

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION

UNITED STATES OF AMERICA

VERSUS CIVIL ACTION NO. 3:16-CV-00489-CWR-RHWR

THE HINDS COUNTY BOARD OF SUPERVISORS,  
HINDS COUNTY SHERIFF, ET AL. DEFENDANTS

EVIDENTIARY HEARING, VOLUME 3,  
BEFORE THE HONORABLE CARLTON W. REEVES,  
UNITED STATES DISTRICT COURT JUDGE,  
FEBRUARY 16, 2022,  
JACKSON, MISSISSIPPI

(Appearances noted herein.)

REPORTED BY:

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\*\*\*DAILY TRANSCRIPT\*\*\*

1     **APPEARANCES:**

2             FOR THE PLAINTIFF:

3             CHRISTOPHER N. CHENG, ESQ.  
4             MATTHEW DONNELLY, ESQ.  
5             SARAH G. STEEGE, ESQ.  
6             LAURA L. COWALL, ESQ.  
7             HELEN VERA, ESQ.  
8             MITZI DEASE-PAIGE, ESQ.

9             FOR THE DEFENDANTS:

10            NICHOLAS F. MORISANI, ESQ.  
11            JAMES W. SHELSON, ESQ.  
12            TONY R. GAYLOR, ESQ.  
13            RAYFORD G. CHAMBERS, ESQ.  
14            JOHN C. HALL, II, ESQ.  
15            REUBEN ANDERSON, ESQ.

16            ALSO PRESENT:

17            ANTHONY NJOKU  
18            MICHAEL DENAULT  
19            ELIZABETH SIMPSON  
20            DAVID PARRISH  
21            CREDELL CALHOUN  
22            SYNARUS GREEN  
23            SHERIFF TYREE JONES  
24            LESLIE FAITH JONES  
25            CINDY MOHAN

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1                   **IN OPEN COURT, FEBRUARY 16, 2022**

2

3           THE COURT:   You may be seated.

4           Good morning.   I assume there's nothing we need to take

5   up before we call the next witness, so if the Government will,

6   who's your next witness?

7           MS. COWALL:   Your Honor, the United States calls

8   Ms. Kathryn Bryan.

9           THE COURT:   Okay.   Thank you.   Sounds like I won't have

10   any problem hearing you, and that's good.

11          MS. COWALL:   I hope not, Your Honor, but let me know if

12   you do.

13          THE COURT:   All right.

14          (Whereupon, the witness was placed under oath.)

15          THE COURT:   Ms. Bryan, you may remove your mask, and I

16   just want to make sure that you talk at a pace at which the

17   court reporter can keep up with you.   Allow the lawyers to

18   finish their statements before you begin to speak so that the

19   two of you will not be speaking at the same time.

20          Please make sure all your responses are verbal.   If

21   you're going to nod or shake your head, please give me verbal

22   responses as well.   I'll try to watch that and we'll try to

23   avoid using "uh-huh" and "uh-huh" because they can be spelled

24   the same and have totally different meanings, but I'll be

25   trying to monitor that.

1           If you will, for the record, could you please state and  
2 spell your name.

3           THE WITNESS: Yes, sir. First name Kathryn,  
4 K-a-t-h-r-y-n, last name Bryan, B-r-y-a-n.

5           THE COURT: Okay. Thank you. And you can speak  
6 directly in to that microphone and talk to the lawyer.

7                               **KATHRYN BRYAN,**  
8                               **having been first duly sworn, was examined and**  
9                               **testified as follows...**

10                              **DIRECT EXAMINATION**

11       **BY MS. COWALL:**

12       Q. Good morning, Ms. Bryan. How are you today?

13       A. Good morning.

14       Q. Ms. Bryan, I'd like to start out by asking you what is  
15 your relationship to the Hinds County Jail?

16       A. I'm the former jail administrator.

17       Q. And could you just briefly summarize what the jail  
18 administrator does at the Hinds County Jail.

19       A. The jail administrator is the top supervisor of the jail  
20 responsible for all jail operations.

21       Q. And is that a position set forth in the consent decree,  
22 if you know?

23       A. I believe it is, yes.

24       Q. Now, before we talk about your experience as the jail  
25 administrator at Hinds County Jail, I'd like to talk a little

1 bit about what you did before you became the Hinds County Jail  
2 administrator.

3 Can you tell us a bit about what positions you held  
4 before becoming the Hinds County Jail administrator?

5 A. So my civilian law enforcement career started in law  
6 enforcement. I held a variety of positions there to include  
7 investigations, narcotics, training patrol. The last  
8 12 years, I've been a jail administrator in now three separate  
9 facilities.

10 Q. And did you obtain any licenses or certifications before  
11 becoming the Hinds County Jail administrator?

12 A. So in the state of North Carolina, I hold certifications  
13 as a law enforcement officer, a detention officer, and a  
14 telecommunicator. I also hold a certification with the  
15 American Jail Association as a Certified Jail Manager, and I'm  
16 certified through the National Institute of Corrections as a  
17 technical resource provider.

18 Q. You mentioned being a technical resource provider. What  
19 kind of experience, if any, do you have providing technical  
20 assistance?

21 A. I've had experience providing technical assistance to a  
22 local confinement facility that was struggling to be in  
23 compliance with state standards, and I've also delivered  
24 training as a technical resource provider.

25 Q. What kinds of trainings did you deliver as a technical

1 resource provider?

2 A. Executive jail administration training offered through  
3 the National Institute of Corrections, or NIC.

4 Q. And do you have any other -- or do you have any  
5 consulting experience?

6 A. I do. I've owned and run a consulting firm since 2015  
7 for detention operations.

8 Q. I'd like to show you what's been marked as Plaintiff's  
9 Exhibit 91. It's actually in one of the binders that you have  
10 up on the witness stand, Ms. Bryan, or you can look on the  
11 screen if that's easier.

12 A. Okay.

13 THE COURT: There is no binder on the witness stand for  
14 her, is there?

15 MR. CHENG: It's behind her.

16 THE COURT: Behind her? Oh, okay.

17 You can use that, or if you choose to use the monitor,  
18 that's fine, just whatever you can see better.

19 THE WITNESS: Yes, sir.

20 BY MS. COWALL:

21 Q. Ms. Bryan, do you recognize what Plaintiff's Exhibit 91  
22 is?

23 A. Yes. It's my CV.

24 Q. And does it accurately summarize your background and  
25 experience?

1 A. It does.

2 MS. COWALL: Your Honor, we'd move to admit Plaintiff's  
3 Exhibit 91.

4 THE COURT: Has that been -- I don't have it on the  
5 witness -- on the exhibit list that I've been operating from.  
6 Is it on the list?

7 MS. COWALL: I believe it's on the list that we  
8 e-mailed to Ms. Summers on Monday.

9 THE COURT: Okay. Hold on for a second. Well, let  
10 me -- is there any objection to it?

11 MR. SHELSON: No, sir.

12 THE COURT: Okay. All right. P-91 will be received  
13 into evidence.

14 (Plaintiff's Exhibit 91 entered.)

15 BY MS. COWALL:

16 Q. Now I'd like to talk to you about your experience as the  
17 Hinds County Jail administrator, Ms. Bryan. First of all,  
18 what were the approximate dates of your tenure as the Hinds  
19 County Jail administrator?

20 A. I was hired June 10th of '21 and left January 31st of  
21 '22.

22 Q. And how did you end up becoming the jail administrator in  
23 Hinds County?

24 A. I got a call in early June -- I think I got a call in  
25 early June from Tony Gaylor with the County telling me that



1 they had a vacancy and would I be interested in having a  
2 conversation about that.

3 Q. And who's Tony Gaylor?

4 A. Counsel for the County.

5 Q. So the County contacted you in regards to the position as  
6 jail administrator?

7 A. Yes, ma'am.

8 Q. And do you know how the County found you?

9 A. I'm not certain.

10 Q. And why did you decide to come to Hinds County to be the  
11 jail administrator?

12 A. So at the time I got the call, I had been retired from  
13 law enforcement for some months, still running my consulting  
14 business. But I was -- I was intrigued by my conversation  
15 with Mr. Gaylor and agreed to fly down to Hinds County to meet  
16 with Sheriff Vance and take a tour of the facility and just  
17 see what it was and if I thought I could be of some  
18 assistance.

19 So I flew down June or July and met with Sheriff Vance  
20 and quite a few people with County and Sheriff's  
21 administration. I toured the work center. I toured the  
22 Raymond Detention Center. And after a few talks with Sheriff  
23 Vance, I was offered the position.

24 THE REPORTER: Could you get closer to the mike,  
25 please?

1 THE COURT: You can move the mike closer to you if you  
2 wish, if that's easier.

3 BY MS. COWALL:

4 Q. Did you have experience improving jail conditions in  
5 other jails before?

6 A. Yes, I had. I had been the jail administrator for two  
7 previous facilities and also the technical resource provider  
8 for another jail in crisis, so I had had three pretty  
9 successful goes at improving jail conditions prior to coming  
10 to Hinds County.

11 Q. In your experience, what factors were important in  
12 improving jail conditions in other facilities?

13 A. The buy-in from the stakeholders, County and Sheriff's  
14 administrations, and the laser focus on fixing the jail above  
15 other items on to-do lists. There had to be complete buy-in  
16 from the sheriff and from the County.

17 Q. And what did you find with regard to those factors when  
18 you came to Hinds County?

19 A. When I met with Sheriff Vance, I was convinced beyond all  
20 doubt that he was focused on fixing his jail and would do  
21 everything within his power to do that, and I wanted to be a  
22 part of his team to make that happen. I was convinced that  
23 the County was right-minded the same way in wanting to fix the  
24 jail, so much so that I uprooted everything to come here to do  
25 just that.

1 Q. You said that you were convinced. Did you change your  
2 mind over time?

3 A. With the unfortunate passing of Sheriff Vance, it seemed  
4 that that drive and gusto went with him, and we never got that  
5 same footing again with subsequent administrations.

6 Q. And you say "subsequent administrations." How many  
7 administrations have there been since then?

8 A. Two.

9 Q. I'd like to move on and talk about some of the major  
10 areas of the consent decree and your experience in working  
11 towards implementation. I'd like to start with correctional  
12 staffing and retention.

13 Did you have any concerns about the level of correctional  
14 staffing while you were the Hinds County Jail administrator?

15 A. I did.

16 Q. And can you describe for us what those concerns were?

17 A. Jail operations only -- anything to do with a jail only  
18 works when there's an appropriate amount of staff and the  
19 appropriate kind of staff in certain areas. Everything hinges  
20 on staffing in a jail, so unless and until that is at an  
21 adequate level, nothing else will work for very long. We can  
22 cobble things together and things can work episodically, but  
23 unless staffing is firm, nothing else will work in a jail, so  
24 that was of utmost concern.

25 Q. What was your understanding about the level of staffing

1 at the jail as compared to what it should be?

2 A. I understood that staffing at the jail was at an all-time  
3 low, that it was the lowest it had been recently in the last  
4 seven years.

5 Q. And did you have any observations with regard to staff  
6 turnover?

7 A. From what I saw, there was a high level of turnover.

8 Q. And what kind of points of comparison do you have to say  
9 the turnover was high?

10 A. My previous facility, although smaller, I was the jail  
11 administrator for five years before I retired. And when I  
12 took over, we were critically short-staffed, and within a  
13 short period of time, we remedied that, and for four and a  
14 half years we never had a vacancy beyond a couple of days.  
15 Not one vacancy.

16 So comparatively speaking, anecdotally speaking, when you  
17 have a critical staff shortage and you continue to see people  
18 resign, leave, quit, get fired, there was a significant  
19 turnover at the Hinds County Jail.

20 Q. I'd like to ask you about any recommendations or  
21 proposals that you made to address those issues that you just  
22 mentioned regarding Hinds County Jail, and I'd like to ask you  
23 first if you made any recommendations regarding amount of pay  
24 for correctional staff in the Hinds County Jail.

25 A. Sure. So really early on, I started to have

1 conversations about raising the base salary, raising the  
2 salaries across the board, to do something quickly just to  
3 stop the hemorrhage of officers leaving. That seemed to be  
4 the low-hanging fruit in the recruiting and retention issue.

5 Recruiting somebody is a longer-term process. To get a  
6 human being trained and in uniform and on the floor of a jail  
7 takes a while. I needed to focus immediately because it was  
8 an urgent need for bodies, to keep the ones that we had, the  
9 ones that had already passed through training, their  
10 certification training, the ones who were already there and  
11 had some level of knowledge on how to work a jail. We needed  
12 to keep them. So early on we talked about a salary increase,  
13 including some other incentives to keep people employed.

14 Q. And when you say "early on," do you know approximately  
15 when that was?

16 A. It was right around the time I got here in July -- July,  
17 August.

18 Q. And what was the County's response?

19 A. The County's response was very positive. They -- I think  
20 they had an understanding that the salary levels were not  
21 competitive, and they supported that effort.

22 Q. And when you say "they supported that effort," what  
23 happened?

24 A. I'm not sure of the time frame, but there came a time  
25 that the Board of Supervisors approved a 5 percent raise for

1 all jail -- for all jail staff.

2 Q. Did you ever suggest anything more than a 5 percent raise  
3 with regard to staff starting salaries?

4 A. So over time I was able to talk to staff to find out what  
5 it was that they felt was critical for their compensation  
6 package, and I -- so subsequent to that I proposed  
7 twice-a-month pay, direct deposit, uniform allowance, and all  
8 of those things would have been both a recruiting effort and a  
9 retention effort.

10 Q. I'll ask you about each of those in turn. With regard to  
11 the 5 percent pay raise, do you know when that took effect?

12 A. I don't.

13 Q. And with regard to amount of pay, did you ever suggest  
14 pay parity for detention and patrol officers --

15 A. I did.

16 Q. -- in the Hinds County Sheriff's Office?

17 A. I did.

18 Q. And what was the response to that?

19 A. I proposed that to Sheriff Jones, and he told me that  
20 that wouldn't be happening, that jailers weren't on the same  
21 level as law enforcement officers and that there always needed  
22 to be a pay gap between the two entities.

23 Q. Now, you mentioned a recommendation about direct deposit.  
24 Why is that significant?

25 A. So if we put ourselves in the shoes of one of my -- one

1 of the jailers, let's say the jailer is a single mom and she  
2 is making the base salary of a detention officer, 27, \$28,000  
3 a year, and they get paid once a month in a paper check.

4 So the rule was officers had to have 100 hours of  
5 personal leave saved up before they were eligible for direct  
6 deposit. So if this officer lived in North Jackson and  
7 commuted to Raymond to work and the pay day was a day off,  
8 they would have to drive to Raymond to pick up their check or  
9 drive to Jackson to pick up their check and deposit it. And  
10 if they deposited it after hours or on a holiday weekend, then  
11 there were several more days that that check wouldn't clear  
12 for them to pay their bills. And to expect someone who is not  
13 making a living wage to balance their budget for 30 days and  
14 feed their families and then put gas in their car, maybe leave  
15 a second job that they are working on their day off or have to  
16 pay an extra day of daycare to go pick up their paper check to  
17 me seemed overly burdensome.

18 Q. Do you recall when you made recommendations with regard  
19 to direct deposit and biweekly pay to the County?

20 A. So that would all have been around the same time that we  
21 were having these discussions. They weren't individual  
22 discussions per suggestion. It was all a big soup of  
23 conversation about it.

24 Q. And did you say that was in approximately July 2021?

25 A. It might have been August.

1 Q. And what was the response you got when you suggested  
2 biweekly pay and direct deposit?

3 A. So it was very positive. I had had a conversation with  
4 Mr. Stephen Hopkins with County administration, and he said he  
5 had proposed that some time ago. So the County seemed aware  
6 that was a positive direction to move in. I'm not sure what  
7 that initial -- where that initial proposal went, but when we  
8 talked about it again, it was reinvigorated. And I believe  
9 the County was moving forward with some expediency on direct  
10 deposit and two-times-a-month pay.

11 Q. Did the sheriff advocate for direct deposit and  
12 two-times-a-month pay for jail detention officers?

13 A. In a meeting that I had with Sheriff Jones where we  
14 talked about the two-times-a-month pay -- and I may be wrong,  
15 but I believe it's a software platform that they need to have  
16 in order to make this happen -- the sheriff asked me if all  
17 County employees would benefit from this two-times-a-month  
18 pay. And I said yes, eventually that they would, but that it  
19 was a jail initiative and that the County was going to start  
20 with the jailers and then eventually march it out to other  
21 County employees. And he told me that if all County employees  
22 were going to be affected by that, then that was not his  
23 responsibility to present it to the board but the  
24 responsibility of other department heads to present that and  
25 he would not be presenting that to the board.



1 Q. Shifting gears a little bit, do detention officers get a  
2 stipend for their uniforms?

3 A. They do not.

4 Q. Is that something that you addressed?

5 A. It is.

6 Q. And did that happen?

7 A. It did not.

8 Q. Did you advocate for anything with regard to the use of  
9 law enforcement officers to staff the jail?

10 MR. SHELSON: Object to leading, Your Honor.

11 THE COURT: Objection overruled.

12 A. Can you ask the question again, please?

13 BY MS. COWALL:

14 Q. Sure. Did you advocate for anything regarding the use of  
15 law enforcement to staff the jail?

16 A. I did.

17 Q. And what did you advocate?

18 A. In my previous experience, when there have been  
19 incidences in a jail where we require additional staffing; for  
20 example, if narcotics or patrol does a large-scale operation  
21 resulting in a large-scale arrest, the normal -- even with  
22 sufficient staffing in the jail, that can put a burden on the  
23 existing staff. So from my experience, it's been beneficial  
24 to pull from law enforcement officers to come help the jail.

25 So when I proposed this to Sheriff Jones and to interim

1 Sheriff Crisler, the previous sheriff, and asked for law  
2 enforcement help to supplement jail staff, because we were  
3 critically short -- we were not manning critical posts in the  
4 jail, and was told -- and made some suggestions on how that  
5 has worked in the past.

6 One of the suggestions was if there are off-duty  
7 assignment availabilities for law enforcement officers -- for  
8 example, we all see law enforcement officers at the grocery  
9 stores working security or at the bowling alley or at clubs or  
10 wherever. If we could perhaps suspend that for a short period  
11 of time, since overtime was -- the County -- let me back up  
12 then and fill in a blank there.

13 The County, in an extraordinary effort to help with jail  
14 staffing, approved overtime positions at the jail for law  
15 enforcement officers. Up to four positions per shift. There  
16 are three shifts in a 24-hour period. The County approved  
17 overtime for law enforcement officers. We had heard from law  
18 enforcement officers asking about the possibility of working  
19 overtime in the jail, that they were very interested in that.

20 So we had interested people, we had the funding for it,  
21 and my suggestion to Sheriff Jones was if we can suspend those  
22 external contracts for a short period of time, offer overtime  
23 to law enforcement officers in the jail, then we could have  
24 some supplemental staffing. And the sheriff adamantly said  
25 no, that that was not going to happen. And I then said to

1 him, I've run out of suggestions on how to make that happen.  
2 He told me that he was short-staffed on patrol. I don't know  
3 if there had been a needs assessment done of patrol staffing  
4 or other staffing; for example, call volumes, peak hours for  
5 call volumes, time on call, to see if any staff could be freed  
6 up. But he did tell me no.

7 I asked him if he had any suggestions. If he wasn't a  
8 fan of my suggestions, we could put that to bed, but did he  
9 have any suggestions of his own to help with law enforcement  
10 staffing at the jail. And he said no, he didn't. So we never  
11 did get law enforcement assistance for staffing.

12 Q. And did the reverse actually happen? Did detention staff  
13 ever get transferred away from the jail to patrol or some  
14 other part of the sheriff's office while you were the jail  
15 administrator?

16 THE COURT: Before you answer that.

17 MR. SHELSON: Objection. Leading.

18 THE COURT: Objection overruled.

19 A. So yes, it did. During my time there and during Sheriff  
20 Jones's administration, there were at least two detention  
21 officers who were transferred out of detention services,  
22 unbeknownst to me. I didn't know until I got the order that  
23 they were being transferred. In addition, there were some  
24 personnel actions taken to fire jail staff. Those firings  
25 happened midshift, so we were critically short that day and

1 days after that.

2 BY MS. COWALL:

3 Q. Were you consulted regarding the midshift terminations of  
4 staff who were working in the jail?

5 MR. SHELSON: Your Honor, objection. Leading.

6 THE COURT: Objection overruled.

7 A. I was not.

8 BY MS. COWALL:

9 Q. Was there ever a recruiting or retention plan developed  
10 while you were the Hinds County Jail administrator?

11 MR. SHELSON: Your Honor, objection. Leading.

12 THE COURT: Objection overruled.

13 A. Yes, there was.

14 BY MS. COWALL:

15 Q. I'd like to show you what's been marked as Defendants'  
16 Exhibit 4.

17 MS. COWALL: Your Honor, may I approach the witness,  
18 please?

19 THE COURT: You may.

20 BY MS. COWALL:

21 Q. Do you recognize what's been marked as Defendants'  
22 Exhibit 4?

23 A. I do. It's the recruitment and retention report from the  
24 human resources consultant.

25 Q. Who is the human resources consultant?

1 A. Matt Rivera.

2 Q. And do you know -- who is Matt Rivera? Was he contacted  
3 by the County or the monitors?

4 A. He was recommended by the monitors, and I believe the  
5 County contracted with him.

6 Q. Are you aware of any other recruiting or retention plans  
7 that have been developed by the County with regard to jail  
8 staffing?

9 A. I am not.

10 Q. Were you ever involved in any meeting with County  
11 leadership regarding this report?

12 MR. SHELSON: Objection, Your Honor. Leading.

13 THE COURT: Objection overruled.

14 A. No, I did not meet with anyone about this report.

15 BY MS. COWALL:

16 Q. Were you aware of any meetings that happened that you  
17 were not part of?

18 A. No, I'm not aware of anything.

19 Q. Did you ever see any plan from the County to implement  
20 this report?

21 MR. SHELSON: Your Honor, we respectfully submit  
22 virtually every question is leading, and so, again, objection  
23 to leading.

24 THE COURT: Okay. Objection sustained.

25 BY MS. COWALL:

1 Q. Did you have any discussions with anyone from County  
2 leadership about implementing this report?

3 A. I did not.

4 MS. COWALL: Your Honor, the United States would move  
5 to admit Defendants' Exhibit 4 into evidence.

6 MR. SHELSON: No objection, Your Honor.

7 THE COURT: D-4 will be received into evidence.

8 (Defendants' Exhibit 4 entered.)

9 BY MS. COWALL:

10 Q. Shifting gears a little bit, in your experience, were all  
11 officers who are assigned detention positions or pins actually  
12 working in the jail?

13 A. No, they're not.

14 Q. And how do you know that?

15 A. We were working on a staffing analysis with the monitors  
16 for Raymond Detention Center and the work center. And to do  
17 that, we needed a list of officers and positions available for  
18 officers, so we requested that from the County HR person. And  
19 when we got that list of all of the detention positions, in  
20 looking at that list, there were some of those people who were  
21 not assigned to detention services.

22 Q. Can you think of any examples?

23 A. Not -- not right now, I can't.

24 Q. Okay. Do you recall the approximate number of people you  
25 identified who were assigned detention positions who were not

1 actually working in the jail?

2 A. We had just started going through the list and at the  
3 time had only yet found two, maybe three.

4 Q. Now, in your experience as Hinds County Jail  
5 administrator, was there any impact on staffing levels from  
6 officers not showing up for work?

7 A. Yes.

8 Q. And did staff talk to you about why they were not showing  
9 up for work?

10 A. Some of them did, yes.

11 Q. What did they say?

12 A. The few staff that I talked to about that, some of them  
13 told me that they made more money working a second job, so it  
14 benefited them to not come to work as a detention officer, to  
15 work their second jobs; and some told me they didn't come to  
16 work on certain days or certain shifts with certain other  
17 officers because they were afraid of where they might be  
18 positioned in the jail.

19 Q. And when you say "they were afraid," did they provide any  
20 more information about that, or what were they afraid of?

21 A. Sure. So they would tell me that on certain shifts with  
22 the certain demographic of officers, they could be assigned to  
23 one of the pods and they were afraid to work a pod, so they  
24 would call out sick or just not show up for work.

25 Q. With regard to inmate behavior management, did you try to

1 make any improvements with regard to inmate behavior  
2 management?

3 A. Yes.

4 Q. What did you try to do?

5 A. So inmate behavior management always starts with  
6 understanding the inmate population. So it always starts with  
7 conversations with inmates, which I started to do,  
8 large-scale, one-on-one conversations with inmates about what  
9 their needs were, what the problems were, what their  
10 perception of things were. And I quickly got an understanding  
11 that they had a long list of needs and wants that were being  
12 unmet, so we started to work on that.

13 Q. Did you take any actions to try to improve behavior  
14 management among inmates?

15 A. I did.

16 Q. And what did you do?

17 A. Well, first and foremost, if we put ourselves in an  
18 inmate's shoes for a minute to illustrate this point, I have  
19 an inmate, 20-year-old inmate with 20-year-old energy and no  
20 outlet for that energy. No mental stimulation. Their  
21 criminogenic needs not being met at a minimum. They don't  
22 have a place to sit to eat their meals. They don't have a  
23 book cart. They have a tiny TV way up on a pole to watch with  
24 60 other inmates. They don't have a law library. They don't  
25 have a good ability to visit with their loved ones. They



1 don't have anything to meet their programming needs.

2 So I know that meeting some of those needs takes a long  
3 time, so a quick fix was to put up bigger TVs for them. They  
4 said that that would be a benefit to their living conditions.  
5 So I immediately ordered 55-inch TVs for the pods.

6 The other -- some of the longer-term things, we were in  
7 the works with a vendor to bring in tablets for inmates. And  
8 on the tablets is a law library, books, music, videos, U.S.  
9 postal mail on the tablets. But that was going to take a  
10 little longer.

11 Q. Did you run into any difficulty in trying to get  
12 activities for inmates on the units?

13 A. I got significant pushback about the TVs. I was asked  
14 why I needed them, why did I need 55-inch TVs, I probably  
15 wouldn't get them because I was told in the past some of those  
16 things that were requisitioned for inmates would actually find  
17 their way in to administrative staff offices. There was a lot  
18 of back and forth before those TVs eventually showed up.

19 Q. Did you have to go into your own pocket to get any  
20 activities for inmates that you felt were needed?

21 A. I did.

22 Q. What did you do?

23 A. There came a time that I realized that the process to get  
24 things was taking an awful lot longer than had been my  
25 previous experience in other facilities, and to get inmates

1 under control as fast as possible, I needed to get them things  
2 to distract them as soon as possible. So I bought board games  
3 for the pods out of my pocket, about a thousand dollars' worth  
4 of board games. It wasn't because I was denied that request  
5 from the County. I just was not willing to wait months and  
6 months for something to give them -- to give my inmate  
7 population as a good faith showing of if they behave, then  
8 they can be rewarded for that behavior. That needed to be an  
9 early lesson.

10 Q. Shifting gears a little bit, I'd like to talk about  
11 supervision of inmates in the jail. Did you have concerns  
12 about the staff supervision of inmates in the jail?

13 A. Can you clarify? Do you mean with the staffing numbers?

14 Q. Did you have concerns about -- or observations about the  
15 staff's ability to actually watch what's going on in the  
16 units?

17 A. So in -- there are three -- talking about Raymond  
18 Detention Center, there are three housing areas. Each of them  
19 have four subunits. So in one of those pods, A-Pod, for  
20 example, there's a control room officer and four pods to  
21 watch. So at a minimum, that's five officers that we need to  
22 watch inmates. There are other positions on top of that, but  
23 at a minimum we're talking five officers. During my tenure  
24 there, we were lucky on a shift to have three officers. There  
25 were times that we just had one officer. So that one officer

1 is in the control room, and those pods that hold approximately  
2 60 inmates apiece were unmanned. So, yes, I was gravely  
3 concerned.

4 Q. And did what you've described with regard to manning the  
5 pods lead to any harm to detainees?

6 A. So --

7 MR. SHELSON: Objection, Your Honor. Leading.

8 THE COURT: Don't lead the witness.

9 Objection sustained.

10 BY MS. COWALL:

11 Q. What were your observations with regard to harmed  
12 detainees in light of what you described regarding the  
13 staffing levels on the pods?

14 A. So my observations with -- given the staffing levels,  
15 anytime a group of people is left unsupervised -- it can be a  
16 classroom of elementary kids; it can be a college forum.  
17 Anywhere that there's a large group of people left  
18 unsupervised, naughty things can happen. And when you have  
19 inmates in a jail with no distractions whatsoever -- they're  
20 aware that some of the cameras don't work, and they're aware  
21 that staff comes to look in on them intermittently and usually  
22 only as a response to something, not as a proactive measure --  
23 bad things happen in a jail.

24 Q. Are you familiar with the homicide of MR that occurred in  
25 October 2021?

1 A. Yes. There was a homicide, a murder, on October 18th of  
2 2021.

3 Q. How are you aware of that incident?

4 A. I was the jail administrator at the time.

5 Q. Did you do any review of that incident?

6 A. I did. After a critical incident, it's important to do  
7 what's called an after-action review and issue a report of the  
8 findings.

9 Q. And did you do an after-action review of the MR homicide  
10 in the jail in October of 2021?

11 A. I did.

12 Q. I'd like to show you what's been marked as Plaintiff's  
13 Exhibit 20. It should be in your binder if you'd like to look  
14 there, or you can look on the screen as well.

15 THE COURT: If you prefer to use the binder, it's one  
16 that they've set down there. It looks heavy, doesn't it?

17 BY MS. COWALL:

18 Q. Do you recognize what's been marked as Plaintiff's  
19 Exhibit 20?

20 A. I do. It's my after-action review from that incident.

21 Q. And what did you find in your after-action review of the  
22 MR homicide?

23 A. I found in general that there were systems failures that  
24 led to that event.

25 Q. Do you recall what kinds of systems failures?

1 A. So there were failures of staffing, of following policies  
2 and procedures; there were failures by the medical staff for a  
3 medical response.

4 Q. Did you make any recommendations associated with your  
5 after-action review of the MR homicide?

6 A. I did.

7 Q. Did the County discuss your recommendations with you?

8 A. They did.

9 Q. What did you recommend?

10 A. Some of the recommendations -- one of the recommendations  
11 was the configuration of the pod control room. Officers  
12 seated in there are to watch the cameras, anything else they  
13 can see from pod control. And they weren't configured  
14 conducive to focusing on the cameras, so the County approved  
15 the funding to rearrange pod control.

16 The other recommendations that I submitted -- less than  
17 two weeks after the event, I submitted two bids for an  
18 electronic rounds system, which is a basic thing that most  
19 jails and prisons have had in their facilities for decades,  
20 which requires officers to go in the unit and around to  
21 officer stations in that unit to check on inmates, and we  
22 didn't have that.

23 Q. Did that get implemented by the time you finished your  
24 tenure as jail administrator?

25 A. Partially.

1 Q. And can you explain what "partially" means?

2 A. Oh, sure. So one of the vendors was chosen, a contract  
3 was approved, and we had received -- before I left, we had  
4 received the hardware for that technology and we were -- when  
5 I left, we were still waiting on IT and the server to come in.

6 Q. Had you implemented a system like this in other jails?

7 A. I have.

8 Q. How long did it take in your experience there?

9 A. Just a few months.

10 Q. Moving away --

11 MS. COWALL: Well, actually, Your Honor, I'd like to  
12 move to admit Exhibit PX-20.

13 THE COURT: Any objection from the defendant?

14 MR. SHELSON: No, sir.

15 THE COURT: P-20 is received into evidence.

16 (Plaintiff's Exhibit 20 entered.)

17 BY MS. COWALL:

18 Q. Moving away from this particular incident and speaking  
19 more broadly, in your experience were there any physical plant  
20 issues that caused supervision difficulties?

21 A. Well, there's physical plant issues and there is -- there  
22 are camera issues. A lot of the cameras don't work. Physical  
23 plant issues, some of the lights in the cells don't work. The  
24 doors don't lock. All of those make it more difficult to  
25 supervise inmates.

1 Q. Did you make any suggestions, for example, with regard to  
2 lighting?

3 A. So there were meetings with County maintenance and with  
4 maintenance vendors about fixing the lights, but before that  
5 could happen, that was part of the suggestion for a uniform  
6 stipend, was also a requisition for flashlights for officers,  
7 because they didn't get them issued to them. If they had  
8 them, they bought them out of their own pockets. So I  
9 submitted a requisition for flashlights specifically designed  
10 for what we needed.

11 Q. Did you get those flashlights?

12 A. We did not. Not before I left.

13 Q. I'd like to move on and talk a bit about training. Did  
14 you have any concerns about staff training while you were the  
15 Hinds County Jail administrator?

16 A. I did.

17 Q. And could you explain what your concerns were.

18 A. So I've come with a strong training background and like a  
19 robust training program for my jails. And when I got to Hinds  
20 County and looked into what training was mandated, available,  
21 and offered to jailers, what I found was that after their  
22 initial certification course, there was very little  
23 in-service-type training offered after that. A majority of  
24 the officers only got training on the policies as they were  
25 approved, and that was not sufficient for me at all.

1 Q. Can you describe the training on the policies?

2 A. The training on the policies were, as they were approved  
3 and implemented, the training officer would read the policies  
4 to all staff, and staff would sign the acknowledgment that  
5 they had read and understood the policies.

6 Q. Did you believe that was adequate?

7 A. I did not.

8 Q. Did you make any requests with regard to improving  
9 training?

10 A. I did. I requested that detention training fall under my  
11 authority so that I could create a training program. I put in  
12 some requests for training for line officers, for supervisors,  
13 and for the command staff team.

14 Q. Did you ever get any responses that funding was an issue  
15 for training you requested?

16 A. I did. I got several responses, that there wasn't enough  
17 money for the training and -- well, just that there wasn't  
18 enough money for the training.

19 Q. I'd like to ask you about some of the specific types of  
20 training. Did you make any recommendations regarding field  
21 officer training?

22 A. I put in a requisition for detention field training  
23 officer course and detention field training officer  
24 supervisor. It's been my experience in my career that  
25 oftentimes detention training is nothing more than a law



1 enforcement training platform where they scratch out the word  
2 "law enforcement officer" and add the word "detention  
3 officer." And that's not quality detention training. It  
4 needs to be developed by and for detention officers. And  
5 there is such a program for detention field officer and  
6 detention field officer supervisor, so I put in a requisition  
7 for that and it was denied.

8 Q. How about mental health training for staff? Did you make  
9 any requests for mental health training for staff?

10 A. So we were in the works to open a mental health unit for  
11 inmates, and I wanted to have specially trained staff man that  
12 unit. And there is a nationally recognized trainer in that  
13 arena who offers an extraordinarily high-quality training  
14 product for detention officers. She's a former detention  
15 officer at Raymond Detention Center, and she had three  
16 offerings of training for detention staff.

17 We got through one of those. Then there was some delay  
18 and difficulty with her being paid for that training, so that  
19 delayed -- I didn't want to schedule -- we couldn't schedule  
20 the second one until she was paid on the first one. So then  
21 we scheduled the second one, but the day before that, several  
22 of my officers were fired. Some of them -- some of those were  
23 supposed to be in that class. And that left me unable to fill  
24 that class because I didn't have enough staff to backfill the  
25 students going to that training. So at the time of my

1 departure, we had only had one of three of those training  
2 courses.

3 Q. And were you consulted about those officers being fired?

4 A. No.

5 Q. Did you try to bring in any outside training besides the  
6 mental health training that you just mentioned?

7 A. No. I don't think I had started that yet.

8 Q. You had mentioned NIC. Did you try to bring in any  
9 training based on NIC?

10 A. I don't think I had done that yet, no.

11 Q. Now, moving on to use-of-force training. Did you have  
12 any concerns with regard to use-of-force training for Hinds  
13 County Jail detention officers?

14 A. I did.

15 Q. And what were your concerns?

16 A. From what I understood, the training the officers got on  
17 use of force started and stopped at cadet school, that that  
18 was one of the topics that was covered in their initial  
19 detention officer certification course and there wasn't any  
20 significant training after that on use-of-force issues.

21 Q. Was that significant?

22 A. It is. Especially when you have staff that are  
23 inappropriately applying force. It is.

24 Q. And was that your experience in Hinds County Jail, that  
25 staff were inappropriately applying force?

1 A. Yes.

2 Q. Does Hinds County Jail have any scenario-based training  
3 on specific force tools?

4 A. No.

5 Q. Would that include Tasers? Does Hinds County Jail have  
6 any scenario-based training on Tasers?

7 A. No.

8 Q. Is there a policy on Tasers?

9 A. The policy on use of force was approved and implemented  
10 prior to Tasers being introduced to officers, to detention  
11 officers. And it doesn't -- in that policy it doesn't mention  
12 Taser technology. It makes a glancing reference to electronic  
13 control devices, but there's not a section in the use-of-force  
14 policy on Taser technology or other electronic control  
15 devices. So detention officers who aren't savvy to that  
16 technology may or may not understand when they were read that  
17 policy that electronic control devices means Taser technology.

18 Q. So it's not clear what it is, let alone how to use it?

19 A. It is not.

20 Q. Going back to scenario-based training. Can you just  
21 briefly explain what that means?

22 A. So there's different levels of understanding of things.  
23 There's an academic understanding of something that you learn  
24 in a classroom. Somebody says things to you, describes things  
25 to you, and you nod your head and say, yes, academically I

1 understand that. I understand that I should do A, B, and C in  
2 a use-of-force scenario.

3 Unfortunately, if training stops with that, when they go  
4 out on the floor and they encounter what they feel could be a  
5 use-of-force incident but it doesn't fit the A, B, and C they  
6 learned in the classroom, then they have difficult- -- people,  
7 in my experience, have difficulty applying what they learned  
8 and putting it into practice. There needs to be a nexus  
9 between the academic understanding and the practice of the  
10 thing.

11 So to give officers a depth of understanding so that they  
12 can apply it to any scenario that would come into play, you  
13 take the policy, you take the classroom instruction, and then  
14 you create scenarios in a housing unit. So we would have role  
15 players. We would have detention officers role-playing the  
16 roles of inmates. And we would create a scenario that they  
17 may encounter that will cause them to apply what they learned  
18 in the classroom and actually physically make them go through.

19 So people -- there are different types of learning.  
20 There's people that are visual learners. There are people  
21 that only -- that learn the best by reading a thing. There  
22 are people that are auditory learners, where they learn the  
23 best by hearing something. A large majority of human beings  
24 are tactile learners. They want to put their hands on a thing  
25 and do a thing. That muscle memory gives them a deeper

1 understanding than just a classroom learning of a thing.

2 So when you're talking about a constitutional issue like  
3 use of force, it is critically important that there be  
4 extensive scenario training on all the myriad of situations  
5 that officers could find themselves in and require them to use  
6 force, not just Taser force but any force.

7 Q. Can lack of scenario-based training have an effect on  
8 staff retention?

9 A. I'm sorry. Staff retention?

10 Q. Yes.

11 A. Yes, I believe so. When -- in my experience, when  
12 detention officers are afraid of inmates or uncertain about  
13 their own abilities to use force or uncertain about their own  
14 abilities to make good decisions with use of force, it causes  
15 officers to do a couple of things. It causes officers to  
16 avoid it at all costs, to avoid having to use force; it forces  
17 officers to call out and not show up to work; and it also  
18 causes officers to go heavy-handed. If they're not good at  
19 making decisions about use of force and they're afraid, then  
20 they overuse force.

21 Q. Did you see those kinds of things happening in the Hinds  
22 County Jail?

23 A. I did.

24 Q. Now, do any officers in the jail currently have Tasers?

25 A. When I left, about a dozen officers had Tasers.

1 Q. How did they get them?

2 A. Before I moved to Hinds County, I had several wonderful  
3 conversations with sheriff staff about tools of the trade.  
4 And my question was: What are officers armed with and what  
5 could they be armed with? And I understood that they didn't  
6 have Tasers at the time. I asked if the sheriff, then Sheriff  
7 Vance, would approve that technology and was told yes. And I  
8 believe that that sheriff's administration put in for Tasers  
9 for jailers, was told that they -- the Tasers were in when I  
10 got here but that they hadn't ordered the ancillary items to  
11 go with Tasers: holsters, batteries, cartridges. So we had  
12 to wait some more for that.

13 Then came to an understanding that those Tasers had been  
14 diverted to law enforcement officers. Sheriff Jones made a  
15 concerted effort to find us Tasers, to start having Tasers on  
16 the floor. And he found -- freed up, found, about a dozen of  
17 them, which was terrific, terrific support.

18 The problem was that to introduce such advanced  
19 technology needs to be a thoughtful, planned-out process. And  
20 I wasn't given an opportunity to do that. Sheriff Jones made  
21 the decision to give Tasers to detention officers that were  
22 certified to carry them immediately.

23 Q. Who did he give that order to?

24 A. He gave it to my subordinate, Chief Simon.

25 Q. Do you believe that was appropriate?

1 A. No.

2 Q. Did you express any concerns to the sheriff regarding the  
3 introduction of Tasers into Hinds County Jail that he ordered?

4 A. I did. I sent an explanatory e-mail voicing my concerns.

5 Q. I'd like to show you what's been marked as Plaintiff's  
6 Exhibit 76. It should come up on your screen.

7 Is this the e-mail where you expressed your Taser  
8 concerns to the sheriff?

9 A. It is.

10 Q. Did you receive any response to this e-mail?

11 A. I don't remember. I don't believe I did.

12 Q. Did you receive any response to the request at the end of  
13 the e-mail for a meeting with the sheriff?

14 A. There was never a meeting.

15 MS. COWALL: Your Honor, we'd move to admit Exhibit  
16 PX-76 into evidence.

17 THE COURT: Any objection?

18 MR. SHELSON: No, sir.

19 THE COURT: Okay. P-76 will be received in evidence.

20 (Plaintiff's Exhibit 76 entered.)

21 BY MS. COWALL:

22 Q. I'd like to shift gears and talk about the requisition  
23 process. What was your experience with using the requisition  
24 process to get supplies and services for the jail?

25 A. It was at times difficult, at other times impossible to

1 get things that we needed for the jail through the existing  
2 requisition process.

3 Q. Did you try to address problems with the requisition  
4 process?

5 A. I did repeatedly.

6 Q. What happened?

7 A. We didn't gain a whole lot of traction there.

8 Q. Can you think of any examples of how the requisition  
9 process impacted your ability to administer the jail.

10 A. So if I put in a requisition for something, in my  
11 experience, it was always helpful to know what the status of  
12 that request was throughout its life until we got the thing.  
13 Asking for the thing, getting the thing, it's important to  
14 know what the progress was because we had to plan for whatever  
15 we were doing with the thing.

16 So I would put in a requisition and wait a little bit and  
17 then ask the people in charge what the status of it was. And  
18 I never got an answer that was helpful in the planning  
19 process.

20 There were a couple of meetings with people in charge of  
21 the requisition process where they explained to me how the  
22 current requisition process works, but never any substantive  
23 meetings on how we could make it more efficient for jail  
24 needs.

25 Q. Did the requisition process cause any risk of harm by



1 inability to procure supplies?

2 MR. SHELSON: Objection, Your Honor. Leading.

3 THE COURT: Objection overruled.

4 A. So sure. A lot of things -- a lot of jail requests, from  
5 a layman's perspective, may not look urgent or important, but  
6 a lot of jail requests are urgent and important. And so when  
7 urgent and important things aren't procured in a timely  
8 manner, it can cause harm.

9 For example, we put in a requisition for cleaning  
10 supplies, and we were on a quarterly allowance with funding.  
11 So every quarter the line item for cleaning supplies would be  
12 replenished from the County coffers. So I put in the req- --  
13 unbeknownst to me, I put in the requisition early in that  
14 quarter and was told that there wasn't enough money to fill  
15 that entire order, that we had to wait two months until the  
16 next quarter replenished that money.

17 So there were times that we would run out of cleaning  
18 supplies. During the pandemic, we ran out of officer sterile  
19 gloves and garbage bags.

20 And then being told that there wasn't enough money for  
21 training, anytime that we miss an opportunity for training,  
22 that has a potential to cause harm.

23 BY MS. COWALL:

24 Q. On a related note, I'd like to talk about the jail  
25 budget. Were you asked to be part of any budget planning

1 process for this fiscal year?

2 A. No.

3 Q. What was the implication of you not being involved in  
4 jail budgeting?

5 A. I think it took away the ability to be fiscally  
6 responsible with a very large jail budget, with the jail  
7 administrator not being involved in budget preparation.

8 Q. Did you have any observations about the format of the  
9 Hinds County Jail as opposed to your experience with other  
10 jails?

11 A. I did. So to prepare for a jail budget -- to prepare for  
12 a County budget for an office-based system -- so if you work  
13 in the -- say the tax office and you're getting ready to  
14 prepare your budget for the tax office, there are standard  
15 quantities of things that you know you're going to need to  
16 have that office running. You need so much paper, so many  
17 office supplies; you have so many staff. And those numbers in  
18 general can remain pretty static year over year.

19 In a jail setting, that is entirely not the case. So  
20 budget preparation needs to factor in any criminal justice  
21 reforms, any new legislation that could impact our jail  
22 population, because with a single inmate comes a litany of  
23 things that you need for an inmate: uniforms, bedding,  
24 supplies, all sorts of things.

25 So budget preparation has to look at a three-year -- a

1 good budget preparation could look at a three-year average of  
2 inmate population and trends in the criminal justice system.  
3 It can look at what the upcoming needs for repair are, what  
4 the upcoming year's needs are for training. That might be  
5 different from years previous. So it's an educated guess  
6 system on how much money you'll need so that you don't have to  
7 keep going back in to the County to ask for more money. So  
8 that's part of what's so important.

9 The other part that I found here that was different from  
10 what I experienced in the past and in teaching jail budgets to  
11 other entities, a jail budget has a lot of things to it, as  
12 opposed to an office budget that may have office supplies,  
13 salaries and training, say, to simplify things. A jail has an  
14 extraordinary amount of things.

15 So my previous jails, I would have -- they're called line  
16 items. You fund a line item just like you do your household  
17 budget. I would have 25 line items, and I would specifically  
18 go in and prepare a projection for each of those line items:  
19 How many staplers do I think I'm going to need this year as  
20 opposed to last year? Well, if I had an increase in  
21 administrative staff or we tore up a bunch of staplers last  
22 year or there's a new law on the books that says you have to  
23 have two staplers per person, then I would project how many  
24 staplers I need, I would fund that line item with that amount  
25 of money, and I would be able to track quarter over quarter

1     what percentage I've spent out of that to make that money last  
2     for staplers all year long. That's being fiscally responsible  
3     with a jail budget.

4             But with the jail budget that I got here, there were just  
5     a handful of line items. And that makes it difficult to be  
6     able to plan and project a year-long spending of an  
7     extraordinarily large budget. Because it doesn't allow me to  
8     finish. It doesn't allow me to prioritize -- my stapler  
9     example. So if I only am buying staplers out of a stapler  
10    line item, I know exactly how much money I'll have at the end  
11    of the year. So if in December I need to buy a stapler, I  
12    need to save money for December. If everything is coming out  
13    of a huge pot of money, other things may take priority and I  
14    won't know I don't have enough money come December until it's  
15    too late.

16    Q.    And did you ask for things and were told other things  
17    were taking priority?

18             MR. SHELSON: Objection, Your Honor. Excuse me.  
19    Objection. Leading.

20             THE COURT: Objection overruled.

21    A.    No, I was not specifically told other things took  
22    priority. I was just told at times that there wasn't enough  
23    money for my requests.

24    BY MS. COWALL:

25    Q.    Shifting gears again. Based on your experience operating

1 the Hinds County Jail, what observations do you have about any  
2 threat of harm to detainees there?

3 A. I think anytime you have a combination of an inadequate  
4 number of staff, inadequately trained staff, physical plant  
5 issues, I think there's a clear -- a clear risk of harm to  
6 detainees and to staff.

7 Q. And did that harm actually happen at Hinds County Jail,  
8 in your experience?

9 MR. SHELSON: Objection, Your Honor. Leading.

10 THE COURT: Objection overruled.

11 A. It did. There were -- there was the incident in October.  
12 There were other assaults on staff and between inmates. Yes.

13 BY MS. COWALL:

14 Q. What were your observations about the levels of harm here  
15 as compared to your past experience?

16 A. That they were much higher.

17 Q. Based on your experience operating the Hinds County Jail,  
18 will defendants do the things required by the consent decree  
19 if there is no court order?

20 A. No.

21 MR. SHELSON: Objection and move to strike, Your Honor.  
22 Calls for speculation.

23 THE COURT: Objection overruled.

24 BY MS. COWALL:

25 Q. Do you think the consent decree is enough to make the

1 jail reasonably safe and humane?

2 MR. SHELSON: Objection, Your Honor. It's asking for  
3 opinion testimony, and this witness has not even been  
4 proffered as an expert.

5 THE COURT: Let me hear the response from the  
6 Government with respect to that.

7 MS. COWALL: Your Honor, this type of opinion testimony  
8 is appropriate under Rule 701 because it's rationally based on  
9 Ms. Bryan's perception when she ran the Hinds County Jail for  
10 the last six months. It's helpful to understand the facts at  
11 issue here. We're talking about levels of harm. We're  
12 talking about constitutional violations. We're talking about  
13 what should be done as a result of those things. And it's all  
14 based on Ms. Bryan's experience running the jail for the last  
15 six months as compared to her experience running other jails  
16 and providing technical assistance to other jails.

17 THE COURT: Objection overruled.

18 A. Could you ask the question again, please?

19 BY MS. COWALL:

20 Q. Do you think the consent decree is enough to make the  
21 jail reasonably safe and humane?

22 A. I think on its face, my first answer is, yes, it is  
23 enough. If the appropriate amount of attention and support  
24 and resources are given it is enough. From my experience  
25 there, that did not prove out, so no, it's not enough.

1 Q. Based on your experience in working with the sheriff's  
2 administration, did the sheriff seem interested in  
3 implementing the consent decree?

4 A. No.

5 Q. Did his actions indicate that implementing the consent  
6 decree was a priority?

7 MR. SHELSON: Objection. Leading, Your Honor.

8 THE COURT: Don't lead the witness.

9 BY MS. COWALL:

10 Q. What did the sheriff's actions indicate to you with  
11 regard to how he viewed the consent decree in this case?

12 A. There was not a sufficient amount of time and attention  
13 and effort expended by the sheriff's administration towards  
14 compliance with the consent decree.

15 THE COURT: I want -- I need some clarity with respect  
16 to that answer. She's served under three sheriffs, I think.  
17 So what --

18 BY MS. COWALL:

19 Q. Let me clarify and ask as to the current sheriff, Sheriff  
20 Jones.

21 A. So that would be my answer for this current  
22 administration.

23 THE COURT: Thank you.

24 BY MS. COWALL:

25 Q. Based on your experience operating the Hinds County Jail,

1 do you think County resources are being efficiently allocated  
2 to address issues in the jail?

3 A. I do not.

4 Q. And why not?

5 A. A specific example, when I first got there, after I was  
6 there, I came to understand that the County was going to rent  
7 tents for COVID inmates for the jail that were very expensive  
8 to rent by the month. And I found out about that while they  
9 were -- while these tents were coming. I wasn't involved in  
10 the planning of it or given an opportunity to give my opinion  
11 about that. And they were -- they were going to be very  
12 expensive, but we hadn't had time to talk about it or  
13 implement policies or how we were going to staff it or put  
14 cots in there. I didn't know anything about any of that. It  
15 was a huge, huge amount of money, that we didn't need.

16 In addition to that specific example --

17 Q. What happened with regard to that?

18 A. I asked that the tents go away and not come.

19 Q. And just to clarify, why did you ask for them to go away?

20 A. Because it was an extraordinary waste of County  
21 resources.

22 Q. And why was it a waste?

23 A. Because we can -- we did -- we could and did address the  
24 issue with the COVID pandemic in that jail without the tents  
25 very successfully. And I am dedicated to save money. I don't



1 want to spend my way out of any issue, and I want to be just  
2 as frugal with a County dime as I am my own dimes, even more  
3 so.

4 The other example is there is an extraordinary effort  
5 toward repairs at the jail, but until we get staffing up to  
6 par, we don't have enough staff to supervise inmates, they  
7 will continue to tear up that building.

8 Q. Ms. Bryan, as Hinds County Jail administrator, how much  
9 time did you spend on an average week working at the jail or  
10 on jail issues?

11 A. Sixty to 70 hours a week.

12 Q. And you're no longer the jail administrator, correct?

13 A. Correct.

14 Q. What are the circumstances regarding the termination of  
15 your employment with the jail?

16 A. I got a call from Sheriff Jones on July 31st midmorning  
17 asking if I could come to his office at 4:00 that afternoon.  
18 I said I could. And he said, well, we'll see you there.

19 So --

20 Q. Did you say July 31st?

21 A. I'm sorry. My error. January 31st. So when I showed up  
22 in his office, Sheriff Jones was there; his attorney,  
23 Mr. Hall, was there; and the human resources director,  
24 Ms. Coleman, was there. And the sheriff read me a letter he  
25 had prepared. And in that letter it talked about the

1 resignation letter that I had submitted back in November with  
2 an end date of February 10th. That resignation had since been  
3 rescinded, but the sheriff told me in that meeting that I  
4 didn't rescind it properly, according to the attorneys, and  
5 that he was making it effective immediately. And he asked if  
6 I under- -- and terminating my employment. And he asked me if  
7 I understood that I was resigning. And I told him, no, that  
8 was not my understanding. I understood that he was  
9 terminating my employment.

10 Because I had rescinded that resignation, and he and I  
11 had had a talk about that prior to this meeting January 31st,  
12 where he was aware I had rescinded my resignation. He told me  
13 that it basically didn't matter, he was the sheriff. He read  
14 to me out of a statute and then told me to go clean out my car  
15 and find a way home.

16 Q. You mentioned a letter of resignation. I'd like to show  
17 you Plaintiff's Exhibit No. 13. Is this the letter of  
18 resignation that you submitted to the County?

19 A. It is.

20 Q. What does this document consist of?

21 A. It was my letter of resignation and giving a 90-day  
22 notice.

23 Q. And are there two letters or just one?

24 A. So this that we see here, this exhibit, is the cover  
25 letter for the rest of the resignation. And that letter went

1 into more detail about why I was resigning, why I was  
2 submitting my letter of resignation.

3 Q. Did you send both letters to the County?

4 A. I did.

5 Q. Why did you submit this letter of resignation to the  
6 County?

7 A. It had been extraordinarily difficult for me to get done  
8 what I needed to get done. There was pushback and opposition  
9 from the sheriff's administration, the previous sheriff's  
10 administration, Sheriff Crisler and this one, Sheriff Jones.  
11 The pushback I was initially -- I didn't get pushback from the  
12 County so much as just a little bit of lack of support. Over  
13 time that improved.

14 So I was then left with the -- the directed opposition  
15 from sheriff's administration. And I submitted this letter  
16 primarily to wake everybody up that we really needed to get  
17 serious. This was after the events of October 18th. And I  
18 knew something had to change on the heels of that murder.

19 Q. Were you still interested in helping things to change  
20 when Sheriff Jones terminated your employment as jail  
21 administrator?

22 A. Very much.

23 MS. COWALL: I have nothing further, Your Honor.

24 THE COURT: Is -- I'm assuming the second letter of  
25 resignation is either in evidence or --

1 MS. COWALL: My recollection, Your Honor, is that the  
2 entirety of Plaintiff's Exhibit 13 was admitted into evidence.

3 THE COURT: Okay. And it includes all three of them or  
4 four?

5 MS. COWALL: It includes both of the letters with  
6 attachments. We had some discussion yesterday, and so I  
7 wanted to clarify with Ms. Bryan what that document consisted  
8 of.

9 THE COURT: Okay. We're going to deviate from the  
10 schedule just a little bit. I think right now is a good time  
11 to take a 15-minute break to prepare for Major Bryan's  
12 cross-examination.

13 I'm going to ask that you not talk to anybody about the  
14 testimony that you've given to this point, but you're free to  
15 step down.

16 And we will return at -- well, let's say 10:40, which  
17 is about 20 minutes.

18 (A brief recess was taken.)

19 THE COURT: You may be seated.

20 Ms. Bryan, you may return to the witness stand. Major  
21 Bryan I think is your title.

22 Hold on one second, Mr. Shelson.

23 MR. SHELSON: May I proceed, Your Honor?

24 THE COURT: You may, sir.

25 MR. SHELSON: Thank you, Your Honor.

**CROSS-EXAMINATION**

**BY MR. SHELSON:**

Q. Good morning, Major Bryan. We met one time before today. I believe it was January 20th, 2022, in your office. Is that consistent with your recollection?

A. Yes, sir.

Q. Prior to today, have you testified either in court or by deposition in other proceedings?

A. Yes.

Q. And have you testified in other cases as an expert witness?

A. No.

Q. Have you given depositions in other cases as an expert witness?

A. Yes.

Q. Have you written expert reports in other cases?

A. I'm sorry. Have I written what?

Q. Have you written expert reports in other cases?

A. Yes.

Q. What was your first day at work at the Raymond Detention Center, approximately?

A. I believe it was July 19th.

Q. All right. And I'm going to refer to the Raymond Detention Center as "RDC." Will that be okay?

A. Sure.

1 Q. Thank you. Now, sometime after July 19th, 2021, did you  
2 get COVID?

3 A. I did.

4 Q. And what period of time were you out from work while  
5 recovering from COVID-19?

6 A. The two weeks after the week of July 19th of '21.

7 Q. And so approximately what day did you return to work?

8 A. Early August.

9 Q. So just an approximation, approximately how many days did  
10 you work as the jail administrator of RDC while Sheriff Vance  
11 was still alive?

12 A. A week.

13 Q. And did you say you returned to work approximately on  
14 August 3rd, 2021?

15 A. I can't remember what day. I know it was at the end of  
16 two weeks after the week of July 19th.

17 Q. Roughly end of July or early August?

18 A. It was definitely in August.

19 Q. Okay. Thank you. And to your knowledge, did  
20 Sheriff Vance pass away on August 4th, 2021?

21 A. I believe so, yes.

22 Q. And you said on direct that the drive and gusto went with  
23 Sheriff Vance. Do you recall that?

24 A. Yes.

25 Q. And so you had actually had about one week of overlap

1 with Sheriff Vance before he passed away; correct?

2 A. Yes.

3 Q. On direct you gave the example of a jailer as a single  
4 mom. Do you recall that?

5 A. Yes.

6 Q. All right. What percentage of the guards at RDC are  
7 female?

8 A. I don't know.

9 Q. More than 50 percent?

10 A. I don't know that number.

11 Q. Do you have any thoughts on whether that single mom who's  
12 a jailer on the floor of a housing unit at RDC might have a  
13 different perspective, say, than a monitor regarding whether  
14 the use of OC spray is to coerce compliance or for  
15 self-protection?

16 A. I'm sorry. I don't understand your question. Can you  
17 rephrase?

18 Q. What don't you understand about it?

19 A. I don't understand what you're asking.

20 Q. Based on your experience, could a female jailer have a  
21 different perspective on whether her use of chemical spray was  
22 to coerce compliance or for her personal safety than a monitor  
23 may have reading a report about that incident?

24 A. Yes. The officer would have a subjective opinion about  
25 her use of force.

1 Q. You mentioned that you saw things regarding the overuse  
2 of force while you were the jail administrator. Do you recall  
3 that?

4 A. I do.

5 Q. What did you do about it when you saw that?

6 A. That was part of the reason that we were going to start  
7 having use-of-force training that was scenario based, not just  
8 use of force on Tasers but all uses of force.

9 Q. So you addressed it?

10 A. We were in conversation about it, yes.

11 Q. You mentioned that at some point in time while you  
12 were -- excuse me, while you were jail administrator, that you  
13 made a request for Tasers; is that correct?

14 A. Yes.

15 Q. And you very rapidly got 12 Tasers; is that correct?

16 A. No, that's not correct.

17 Q. When you requested Tasers, did you get Tasers?

18 A. When I requested Tasers back in June, we finally got  
19 Tasers in July -- or December or January.

20 Q. Okay. At some point in time did you request Tasers from  
21 Sheriff Jones?

22 A. Yes.

23 Q. Okay. How long after you requested Tasers from  
24 Sheriff Jones did you get the Tasers?

25 A. Not long after.



1 Q. When you became jail administrator at RDC, what did you  
2 do to educate yourself about the County's requisition process?

3 A. I asked people how -- what I was supposed to do about  
4 requisitions.

5 Q. To whom did you submit requisitions?

6 A. To Major Pete Luke and to Jerry Arinder.

7 Q. And were those the right people to submit requisitions  
8 to?

9 A. As far as I knew.

10 Q. Are you sure about that?

11 A. Absent the sheriff's administration when I got there  
12 telling me what that process was, and Major Pete Luke or  
13 Jerry Arinder didn't tell me anything different, I assumed  
14 that that was what I was supposed to do.

15 Q. Do you know whether you were recommended for the job of  
16 jail administrator by Lisa Simpson?

17 A. I believe she put my name as a potential applicant, gave  
18 my name to somebody.

19 Q. Major Bryan, I will recommend -- excuse me. I will  
20 represent to you that the document I'm displaying now is the  
21 United States' expert disclosures in this case. Have you seen  
22 this document before today?

23 A. My screen is not on. I can't see what you're displaying.

24 MS. SUMMERS: Is it showing up?

25 THE WITNESS: It's black.

1 THE COURT: The screen must not be on -- well, it was  
2 on earlier. It was on earlier. Do you have a hard copy for  
3 her, because her screen is not --

4 MR. SHELSON: Yes, Your Honor. May I approach?

5 THE COURT: You may.

6 THE WITNESS: Thank you.

7 BY MR. SHELSON:

8 Q. Major Bryan, have you seen the document I just handed you  
9 before today?

10 A. No, sir, I don't think so.

11 Q. The pages are unnumbered, but on the bottom of the page I  
12 just handed you is there a reference to Kathryn Bryan?

13 A. There is.

14 Q. All right. Did you know that the United States had  
15 designated you as an expert witness in this case?

16 A. Yes, I think so.

17 Q. Did you consent to being an expert witness for the United  
18 States in this case?

19 A. I agreed to come and testify.

20 Q. But did you consent to be an expert witness for the  
21 United States in this case?

22 A. I don't know that I was asked that specific question, but  
23 I was asked if I would come and testify, and I said yes.

24 Q. You don't claim to be an expert regarding whether a jail  
25 meets constitutional minimums, do you?

1 A. I'm sorry. Can you say that again?

2 Q. You don't claim to be an expert regarding whether a jail  
3 meets constitutional minimums, do you?

4 A. No.

5 Q. On direct did you testify that you were the top  
6 supervisor of the jail when you were the jail administrator?

7 A. Yes, sir.

8 Q. And you testified that you worked 60 to 70 hours a week;  
9 correct?

10 A. Yes.

11 Q. And you did a good job, didn't you?

12 A. Yes.

13 Q. And you were dedicated to your job; correct?

14 A. Yes.

15 Q. And so you accomplished a good many things while you were  
16 the jail administrator, didn't you?

17 A. Yes.

18 Q. What accomplishment as jail administrator are you most  
19 proud of?

20 A. I think what I'm -- one of the things I'm most proud of  
21 is that we went three consecutive months without an inmate  
22 overdose. And I'm most proud of that because operationally,  
23 things had to be going better for that to happen.

24 Q. And you also have some accomplishments regarding staffing  
25 in attempting to make -- in attempting to improve recruiting

1 and retention of detention staff?

2 A. I do.

3 Q. All right. And one of those things is you were  
4 instrumental in getting the detention staff starting salary  
5 increased to \$31,000 a year?

6 A. It was -- by the time I left, it had been voted on but  
7 not implemented yet.

8 Q. Well, you consider voting on but not yet implemented a  
9 step in the right direction?

10 A. Yes.

11 Q. Okay. And you pushed hard for that, didn't you?

12 A. Yes, sir.

13 Q. Okay. Tell the Court what compression issues are  
14 relative to raising salaries.

15 A. In general, compression is when there's no system for an  
16 adequate difference between the levels of officers, an  
17 adequate financial difference between the levels of officers.

18 Q. And increasing the detention staff salaries to \$31,000  
19 per year, would that result in 64 percent of all line staff  
20 receiving a salary increase?

21 A. Approximately.

22 Q. And would increasing salaries to \$31,000 avoid  
23 compression issues?

24 A. It wouldn't lead to a compression problem, especially  
25 since that was just the first phase of what the proposals were

1 going to be for salaries.

2 Q. All right. So let's talk about what happened with  
3 salaries before that \$31,000 pay increase -- that increase to  
4 \$31,000 was approved. You testified that at some point in  
5 time there was a 5 percent pay increase; is that correct?

6 A. Yes.

7 Q. Approximately when was that?

8 A. It was late 2021.

9 Q. All right. And at some point when you were the jail  
10 administrator, was there -- well, was there a COVID pay  
11 supplement which was in the range of 2,000 to \$4,000?

12 A. Yes.

13 Q. And did you support that?

14 A. I didn't have anything to do with that, but I did support  
15 that.

16 Q. You believed that that helped with recruiting and  
17 retention?

18 A. Since it was a onetime thing, I don't think it helped  
19 with recruiting, but I believe it helped with retention, yes.

20 Q. Were direct deposit and twice-a-month pay approved by the  
21 County as of January 31st, 2022?

22 A. Not to my knowledge.

23 Q. You don't know one way or the other?

24 A. I do not.

25 Q. On direct, you remember testifying that you wanted pod

1 control rearranged?

2 A. Yes.

3 Q. And is it your testimony that by the time you had left,  
4 that that had partially been done?

5 A. Yes.

6 Q. And you testified on direct about that you wanted  
7 training at the detention center put under your authority; is  
8 that correct?

9 A. Yes.

10 Q. Was that -- was that done?

11 A. Yes.

12 Q. When you were the jail administrator at RDC, did you  
13 believe that incidents were being accurately -- strike that.  
14 Let me start over.

15 MR. SHELSON: Sorry, Your Honor.

16 BY MR. SHELSON:

17 Q. When you were the jail administrator at RDC, did you  
18 believe that incidents were being accurately reported?

19 A. I want to be clear what your intent with that is. Do I  
20 believe that the incidences were -- if a report was done for  
21 an incident, that it was accurate? Then yes, I do.

22 Q. Thank you. That was my question.

23 A. Okay.

24 Q. I'm sorry for not asking a good question.

25 And you testified on direct also about 55-inch TVs for

1 the RDC; is that right?

2 A. Yes.

3 Q. All right. So tell us, what did you have done regarding  
4 55-inch TVs at RDC?

5 A. Put in a requisition for them and got them.

6 Q. Okay. So when you left RDC on January 31st, 2022, where  
7 were those TVs?

8 A. Most of them had been installed in the housing units.

9 Q. Did you receive any positive feedback from the detainees  
10 about that?

11 A. Yes.

12 Q. And I may have this slightly wrong, so please correct me.  
13 Was -- there's some -- was there some dance in connection with  
14 TVs going into place?

15 A. Yes.

16 Q. Would you tell the Court about that, please.

17 A. Sure. So shortly after we installed the 55-inch TVs, I  
18 had two computer monitors at my desk. One had an array of  
19 cameras, surveillance cameras, and the other was my  
20 workstation. And in a jail, any quick movement for any reason  
21 is cause for concern. So keeping an eye on the cameras out  
22 the corner of my eye, I see a lot of movement in the housing  
23 unit. And as I was scrambling up out of my desk and grabbing  
24 my radio to go down the hall, I took another look to see what  
25 they were doing, and they were dancing. And when we got down

1 into the unit to find out what was going on, every inmate  
2 looking up at this 55-inch screen TV were watching a music  
3 video and dancing.

4 Q. And so I conclude from that you believe the TVs were good  
5 for -- well, you already answered that. Never mind. Well,  
6 no, you didn't.

7 So I take it from your answer that you believe that the  
8 TVs were a good step for detainee morale?

9 A. I do.

10 Q. And you just mentioned about TV monitors at your desk.  
11 During your tenure as jail administrator, if you saw an issue  
12 based on what you saw on those monitors, did you address it?

13 A. Yes.

14 Q. When you were the jail administrator, were you in the  
15 process of adding smaller TVs to medical housing?

16 A. Yes.

17 Q. And were you in the process of getting an electronic  
18 rounds system for RDC?

19 A. Yes.

20 Q. Would you explain to the Court, please, what an  
21 electronic rounds system is?

22 A. Sure. So it's pretty simple technology. What it does,  
23 there are buttons that go on the wall, and officers get what's  
24 called a pipe that's programmed to them. And as they touch  
25 the pipe to the button around the walls, it records that



1 information. And if those buttons are strategically placed  
2 primarily in a housing unit, it forces the officers to go to  
3 each button and pass each cell.

4 And it functions as a closed-circuit system. So if one  
5 of those buttons is missed, it doesn't close that circuit and  
6 show as a complete surveillance round. So at any given time  
7 when those pipes are downloaded, it will show a spreadsheet of  
8 which officer touched which button. And it gives some  
9 assurance that officers are going in and doing a sufficient  
10 surveillance round, not peeking through a door but that  
11 they're actually having to physically walk to each corner of a  
12 housing unit.

13 Q. And so I think as you just alluded to, the idea is that  
14 it actually makes the officers do proper rounds?

15 A. Yes.

16 Q. And do you recall approximately how much that system  
17 cost?

18 A. I believe the ballpark was 40 to 50 for the system and  
19 10,000 for a server. And that amount would serve both RDC and  
20 the work center and could potentially be removed and relocated  
21 to a new facility.

22 THE COURT: I'm sorry, Mr. Shelson.

23 And when you say "40 to 50," presumably you're saying  
24 40 to 50,000?

25 THE WITNESS: Yes, sir.

1 MR. SHELSON: Thank you, Your Honor.

2 BY MR. SHELSON:

3 Q. And as of January 31st, 2022, where were you -- excuse  
4 me. Let me strike that.

5 As of January 31st, 2022, where were -- where were you in  
6 the process of getting the electronic rounds system  
7 implemented?

8 A. So the contract had been approved, signed, and funded,  
9 and I believe the hardware for the system was on-site, and we  
10 were still waiting for the server.

11 Q. And as jail administrator, did you take steps to get a  
12 mental health unit for RDC?

13 A. I believe that was already in the works when I got there,  
14 but, yes, I was furthering that effort.

15 Q. Thank you. And what efforts did you take to further that  
16 effort?

17 A. For staffing and staff training, we had identified some  
18 staff that were interested in working the unit and had started  
19 the training program for them. We had had mental health unit  
20 planning meetings with jail staff, medical staff, and mental  
21 health staff. We had started construction on officer  
22 workstations in the units and reconfiguring pod control and  
23 started construction on the mental health office that would be  
24 in the pod.

25 Q. As of January 31st, 2022, when was the last overdose

1 before then at RDC?

2 A. I believe we had gone three months without one.

3 Q. How do you believe -- well, do you believe that health  
4 services were doing great at RDC when you were the jail  
5 administrator?

6 A. Can you repeat the question, please?

7 Q. Yes. I'm sorry. Do you believe that health services  
8 were doing great while you were the jail administrator at RDC?

9 A. I believe that the health services vendor that we had  
10 were doing a good job, yes.

11 Q. And that was QCHC?

12 A. Yes.

13 Q. And did you have any involvement in -- with the contract  
14 that brought QCHC into RDC?

15 A. No.

16 Q. Do you know approximately what the annual cost to the  
17 County is of that contract?

18 A. No, sir.

19 Q. Did RDC become a cleaner facility when you were the jail  
20 administrator?

21 A. A cleaner facility?

22 Q. Yes, ma'am.

23 A. Yes.

24 Q. And what did you do to make that happen?

25 A. Emphasize the importance of keeping a clean facility.

1 Q. Did you get detainees involved in cleaning?

2 A. They had always been involved in cleaning.

3 Q. Did you get detainees more involved in cleaning?

4 A. Yes, I believe so.

5 Q. Did you testify on direct that while you were the jail  
6 administrator, that you thought the handling of COVID-19 at  
7 the jail was very successful?

8 A. I don't think I testified on direct to that topic, no,  
9 sir.

10 Q. Do you think the handling of COVID-19 when you were the  
11 jail administrator was very successful?

12 A. Yes.

13 Q. How many -- approximately how many detainees had COVID-19  
14 as of January 31st, 2022?

15 A. I don't know that. I don't know.

16 Q. It was a small number, though, wasn't it?

17 A. I believe so, yes.

18 Q. If any. Let me ask this question: Do you know on  
19 January 31st, 2022, whether any detainees at RDC had COVID-19?

20 A. I don't know.

21 Q. You mentioned tablets during your direct. Do you recall  
22 that?

23 A. I do.

24 Q. Would you tell the Court, please, what you were trying to  
25 do with the tablets?

1 A. Sure. So the vendor that we currently have for inmate  
2 phone service and inmate video visitation also offers inmate  
3 tablets, which are essentially iPads for inmates with no  
4 internet access. And it provides a multitude of programming  
5 opportunities for inmates. And we had had a presentation by  
6 the vendor and were working toward getting inmate tablets.

7 Q. Why did you think that was a good idea?

8 A. For inmate programming needs, for inmate behavior  
9 modification, and just to bring some civility to the inmate  
10 population.

11 Q. Was it your belief that having tablets could cut down on  
12 contraband?

13 A. I don't know that I have an opinion about the nexus  
14 between the tablet and contraband, no.

15 Q. Did you think it may reduce it because there would be  
16 less reliance on mail?

17 A. Yes, it could. The tablets also provide a mechanism for  
18 inmates' loved ones to send mail to a receiving facility and  
19 then the receiving facility scans it into the tablet, so the  
20 inmates are actually reading their mail on a tablet and they  
21 can store it on there. So, yes, that could cut down on  
22 contraband coming into the facility.

23 Q. And as of January 31st, 2022, where were you in the  
24 process of getting tablets into the RDC?

25 A. We had talked with the vendor about it, but it hadn't

1 happened yet.

2 Q. Who is Bernard Moore?

3 A. The recruiter.

4 Q. At RDC?

5 A. The detention recruiter, yes, sir.

6 Q. What was your assessment of his job performance?

7 A. I think he did an excellent job at recruiting.

8 Q. Did he take initiatives, like getting arena football  
9 players on-site?

10 A. He was working on that, yes.

11 Q. Okay. Is it -- if you would let me know, can you still  
12 not see that?

13 A. I still got nothing.

14 MS. SUMMERS: It's black.

15 THE COURT: See if the monitor is on. Somebody could  
16 have knocked it.

17 MS. SUMMERS: Keithfer's going to have to reset it.

18 THE COURT: We have our technical person coming,  
19 Mr. Shelson. If you want to take a five-minute break, we can,  
20 or if you want to ask something else until he gets here, we  
21 can. Whatever your pleasure is.

22 MR. SHELSON: Thank you, Your Honor. I'll try to keep  
23 it moving.

24 May I approach the witness?

25 THE COURT: Yes, you may.

1 A. Thank you.

2 BY MR. SHELSON:

3 Q. Major Bryan, the document I just handed you is marked as  
4 Exhibit D-6. Have you seen this document before today?

5 A. Yes.

6 Q. What is this document?

7 A. This is a memorandum to all jail staff entitled  
8 "Contraband Eradication Measures."

9 Q. Did you author this memorandum?

10 A. I did.

11 Q. And just briefly, what is the purpose of this memorandum?

12 A. Primarily this was designed to change the way employees  
13 came in and out of the facility with their belongings to try  
14 to cut down on the amount of contraband that employees were  
15 introducing into the facility.

16 Q. And did you implement this -- these contraband  
17 eradication measures?

18 A. Yes.

19 Q. And how were they working?

20 A. Very well.

21 Q. I'm turning to page 2 of the memo, Major Bryan, last  
22 paragraph. You see there where it said that you have zero  
23 tolerance for contraband?

24 A. Yes.

25 Q. And to the best of your ability, did you try to implement

1 a zero-tolerance policy for contraband while you were the jail  
2 administrator?

3 A. Yes.

4 Q. Thank you. You may just set that aside.

5 Were the accomplishments and initiative we've just  
6 discussed reasonable responses to the issues you were dealing  
7 with at RDC?

8 A. For the contraband?

9 Q. We discussed a lot more than contraband. I'm talking  
10 about everything we discussed from staffing, TVs, *et cetera*.  
11 Were those measures reasonable responses to the issues you  
12 were dealing with at RDC?

13 A. I believe they were reasonable efforts, but not  
14 sufficient, no -- some of them were not sufficient, but they  
15 were all reasonable efforts. Yes.

16 Q. Did you do the best you could under the circumstances?

17 A. With respect to what?

18 Q. Being the jail administrator.

19 A. Yes.

20 Q. Have you heard the term "life safety issue"?

21 A. Yes.

22 Q. What does that term mean to you as a jail administrator?

23 A. Anything that puts people's lives in danger are life  
24 safety issues.

25 Q. Are life safety issues important to you?



1 A. Yes.

2 Q. Did you encounter any life safety issues at RDC when you  
3 were jail administrator?

4 A. Yes.

5 Q. Did you personally respond reasonably to them?

6 A. It's hard to quantify. That's a broad question. There  
7 were many life safety issues at the jail.

8 Q. And -- well, did you ignore them?

9 A. No.

10 Q. Did you turn a blind eye to them?

11 A. No.

12 Q. Have you previously given opinions as an expert on  
13 whether you believed somebody was deliberately indifferent in  
14 a jail?

15 A. Can you ask that again, please?

16 Q. Have you personally written an expert report regarding  
17 whether a sheriff was deliberately indifferent in a jail?

18 A. Yes.

19 Q. Were you deliberately indifferent to life safety issues  
20 at RDC?

21 A. No.

22 Q. Did you ignore the welfare of the detainees at RDC when  
23 you were the jail administrator?

24 A. No.

25 Q. When you were the jail administrator, did you ever see

1 any instances where you believed there was a risk of harm to  
2 detainees?

3 A. Yes.

4 Q. Did you respond reasonably to those instances?

5 A. Well, the example that comes to mind is I saw a risk of  
6 harm daily with the low staffing levels. And I did take  
7 efforts to address that, but not very successfully.

8 Q. Did you ever see an instance where there was an immediate  
9 threat to life safety issues regarding detainees where you  
10 took no action?

11 A. Describe what you mean by "immediate threat."

12 Q. I mean a threat of imminent harm.

13 A. No.

14 Q. Talk about maintenance. At some point did County  
15 maintenance personnel get assigned to RDC?

16 A. They did.

17 Q. Approximately when was that?

18 A. I can't recall when that was.

19 Q. That's fine. But it was while you were jail  
20 administrator?

21 A. It was.

22 Q. And did you request that?

23 A. I did.

24 Q. All right. And how many County maintenance personnel  
25 were assigned to the RDC?

1 A. Two.

2 Q. And how good of a job, based on your observations, did  
3 those two County maintenance personnel do?

4 A. They did a very good job.

5 Q. As of -- well, as of when we met on January 20th, 2022,  
6 had you been happy for quite a long time regarding the  
7 responsiveness of those County maintenance workers to work  
8 orders?

9 A. I believe they were very responsive to the work orders.

10 Q. And who is LeRoy Lee?

11 A. He is the head of County maintenance.

12 Q. When you were the jail administrator, did Mr. Lee keep  
13 track of maintenance work orders and forward them to jail  
14 staff?

15 A. I don't know.

16 Q. I want to talk next, Major, about gangs. In your  
17 experience, is there a hierarchy in everything?

18 A. I'm sorry. Can you say that again?

19 Q. In your experience, is there a hierarchy in everything,  
20 including jails?

21 A. I don't know that I understand your question. I'm sorry.

22 Q. In your experience, is there a hierarchy among detainees  
23 in jails?

24 A. Yes.

25 Q. To some degree -- excuse me. Is some degree of gang

1 control in jails just the natural order of things?

2 A. I don't know that I can speak to just jails in general.

3 Q. The jails you've been the administrator of.

4 A. No.

5 Q. In your experience, is it unusual to have gang committees  
6 in jails?

7 A. From the jails I've run, yes, it is unusual.

8 Q. In your experience as a jail administrator, is there a  
9 pod boss in every facility?

10 A. No.

11 Q. When you first became jail administrator, did gangs have  
12 control of any of the pods at RDC?

13 A. I believe so.

14 Q. When you were the jail administrator, did you take  
15 control back from the gangs at RDC?

16 A. I think it would be better answered to say that we  
17 were -- that the jail staff were regaining control of the  
18 units.

19 Q. When you were the jail administrator, did jail staff have  
20 access to all of the pods at RDC?

21 A. Not at all times. There were times that they didn't have  
22 access to it.

23 Q. In January 2022 did jail personnel go into A-Pod anytime  
24 they wanted to?

25 A. Yes.

1 Q. When you were the jail administrator, did gangs control  
2 the distribution of meals at RDC?

3 A. Yes. There was a time that inmates controlled the  
4 distribution of food. I don't know if it was gang-driven.

5 Q. At some point did you put a stop to that?

6 A. At some point we put a measure in place to take the  
7 authority for meal distribution away from inmates and put it  
8 back where it belonged, with the officers, with limited degree  
9 of success.

10 Q. What did you do to implement that?

11 A. I issued a memo about meal service outlining what the  
12 directives were on how meals were to be delivered to inmates.

13 Q. And so you were in the process of addressing that issue,  
14 correct?

15 A. Yes.

16 Q. And who is Anthony Simon?

17 A. He's the chief of detention officers.

18 Q. When you were the jail administrator, did you and  
19 Chief Simon do camera audits at RDC?

20 A. Camera audits?

21 Q. Yes.

22 A. I don't know. Can you explain what you mean by a camera  
23 audit?

24 Q. If you don't know what I mean by that, I'll move on.

25 When you were the jail administrator, did you make good

1 progress on getting policies drafted and approved?

2 A. I don't believe we were making good progress, but we were  
3 making some progress, yes.

4 Q. You believe the holdup was entirely on the jail's end?

5 A. No.

6 Q. Why not?

7 A. Well, I'd like to take that back. I do believe the  
8 holdup was on the jail's end.

9 Q. You -- after the policies were drafted, did they have to  
10 be submitted to DOJ and the monitors?

11 A. They had to be approved by DOJ, yes.

12 Q. And you never encountered any delays on that end of it?

13 A. Not any significant delays, no.

14 Q. What are you calling a "significant delay"?

15 A. Well, it didn't -- there wasn't a one-day turnaround.  
16 Sometimes it took a little while, but it wasn't an onerous  
17 delay.

18 MR. SHELSON: May I approach the witness, Your Honor?

19 THE COURT: Yes, you may.

20 BY MR. SHELSON:

21 Q. Major Bryan, I've just handed you Exhibit D-102. Do you  
22 recognize that document?

23 A. I do.

24 Q. What is that document?

25 A. This is an e-mail thread between me and Ms. Lisa Simpson

1 and Ms. Karen Albert on a policy.

2 Q. Okay. And was this the health care policy?

3 A. Yes.

4 Q. All right. Is the bottom e-mail on the page dated  
5 October 26, 2021, from Lisa Simpson to you and Karen Albert?

6 A. Yes.

7 Q. And does Ms. Simpson say that looks like this one has  
8 been approved?

9 A. Yes.

10 Q. And what was your response?

11 A. A big woo-hoo.

12 Q. And why was it a big woo-hoo?

13 A. Because that's a big policy.

14 MR. SHELSON: Your Honor, we move to have Exhibit D-102  
15 admitted into evidence.

16 THE COURT: Any objection?

17 MS. COWALL: No, Your Honor.

18 THE COURT: D-102 will be received into evidence.

19 (Defendants' Exhibit 102 entered.)

20 MR. SHELSON: May I approach the witness, Your Honor?

21 THE COURT: Yes, you may.

22 BY MR. SHELSON:

23 Q. Major Bryan, I've just handed you Exhibit D-108. Do you  
24 recognize this document?

25 A. I do.

1 Q. And let me start with the bottom e-mail on D-108. Is  
2 that an e-mail from Karen Albert dated October 12th, 2021, to  
3 Lisa Simpson and to you?

4 A. Yes.

5 Q. Does it concern the policy for population management?

6 A. Yes.

7 Q. And in that e-mail does Karen Albert tell you and  
8 Ms. Simpson that "Here is another procedure"?

9 A. Yes.

10 Q. And what was Ms. Simpson's reply that same day?

11 A. She says, "We're going to have a hard time keeping with  
12 you two."

13 Q. Is that in reference to keeping up with you and  
14 Ms. Albert regarding policies?

15 A. That's how I interpreted it, yes.

16 Q. Thank you. And so the top e-mail on the page is from you  
17 to Priscilla Dawson dated October 13th, 2021; is that correct?

18 A. Yes.

19 Q. And who is Priscilla Dawson?

20 A. She's the quality assurance officer at the jail.

21 Q. And this e-mail on October 13th is discussing this same  
22 population management policy?

23 A. Yes.

24 Q. And did you write to Ms. Dawson that "I think Lisa is  
25 happy about the new pace of policies going to DOJ" --



1 A. I did.

2 Q. -- with four exclamation marks?

3 A. Yes.

4 Q. And when you said "Lisa" there, were you referring to  
5 Lisa Simpson?

6 A. I was.

7 Q. And why did you believe on October 13th, 2021, that Lisa  
8 was happy about the new pace of policies getting to DOJ?

9 A. Because of her previous comment.

10 Q. Which was?

11 A. "We're going to have a hard time keeping up with you  
12 two."

13 MR. SHELSON: Your Honor, we move to admit  
14 Exhibit D-108 into evidence.

15 THE COURT: Any objection?

16 MS. COWALL: No, Your Honor. The United States,  
17 however, would reserve its right to object to any hearsay in  
18 e-mails later.

19 THE COURT: I'm sorry?

20 MS. COWALL: We don't object to the admission of this  
21 exhibit, but we also don't want to waive our right to object  
22 to hearsay in other e-mails the defendants might proffer  
23 later.

24 THE COURT: Oh, okay. All right. It will be received  
25 into evidence.

1 (Defendants' Exhibit 108 entered.)

2 BY MR. SHELSON:

3 Q. I want to shift gears, Major Bryan, to the population of  
4 inmates at RDC. Does RDC house only felons?

5 A. It houses some misdemeanants.

6 Q. But are the misdemeanors a very small percentage of the  
7 population of inmates at RDC?

8 A. Yes.

9 Q. Because RDC houses almost exclusively felons, does that  
10 mean there's no dilution of the detainee population?

11 A. No dilution?

12 Q. Dilution.

13 A. Can you explain what you mean?

14 Q. No dilution between felons and misdemeanor.

15 A. I'm not sure I understand your question.

16 Q. If virtually everyone at RDC who's an inmate is a felon,  
17 that population is not diluted by having any significant  
18 number of misdemeanor inmates; is that correct?

19 A. Yes.

20 Q. And in practical terms, in your experience, how does very  
21 little dilution of the detainee population affect jail  
22 operations?

23 A. I don't have any other experience with that demographic  
24 of inmate population.

25 Q. You were previously the jail administrator at the

1 Beaufort County Detention Center; is that correct?

2 A. Yes.

3 Q. What was the population of that facility relative to  
4 felony -- felons and misdemeanors?

5 A. We averaged about 50/50.

6 Q. And approximately what was the jail population of the  
7 Beaufort County Detention Center when you were the jail  
8 administrator of that facility?

9 A. That's a small facility. About 100.

10 Q. And roughly what was the population of just RDC when you  
11 were the jail administrator?

12 A. Approximately 400.

13 Q. When you were the jail administrator, was Priscilla  
14 Dawson the quality assurance officer?

15 A. Yes.

16 Q. Did she write quality assurance summaries?

17 A. She did.

18 Q. How would you describe your working relationship with  
19 Ms. Dawson?

20 A. We had a good working relationship.

21 Q. Did you ever make redline edits to drafts of Ms. Dawson's  
22 quality assurance summaries?

23 A. So when Ms. Dawson would prepare her draft monthly  
24 report, she would have a meeting with jail staff for our input  
25 on its accuracy and anything that we needed to clear up before

1 she issued her final report. And so there were times, yes,  
2 that I made some corrections in her report.

3 THE COURT: Okay. At this time we do have our  
4 technical person here to -- you're about to put something back  
5 on the Elmo? Hold on for one second, Mr. Shelson.

6 You can step aside, Ms. Bryan. We're going to see if  
7 we can get that monitor to operate.

8 I tell you what. Let's take a five-minute recess while  
9 we take care of this technical glitch. We'll be in recess.

10 (A brief recess was taken.)

11 THE COURT: You may be seated.

12 Hold on. Before you come back up, Major Bryan.

13 Mr. Shelson, we have a technical issue that we believe  
14 can be resolved over lunch. You know, I leave it to you  
15 whether you want to go forward now until about 12:30, or do  
16 you want to take your lunch break now and come back about 1:15  
17 or so to start up?

18 MR. SHELSON: Thank you, Your Honor. I think I can get  
19 pretty close to being finished by 12:30.

20 THE COURT: Okay. All right.

21 Major Bryan, you may come back up.

22 MR. SHELSON: Can I have the Elmo to at least show the  
23 Court?

24 Your Honor, I'd like to -- during the break it was  
25 pointed out to me that I did not move to admit Exhibit D-6

1 into evidence, and I had asked Major Bryan about this  
2 document. So, anyway, I move to admit Exhibit D-6 into  
3 evidence.

4 THE COURT: Any objection from the defendant --  
5 plaintiff? Excuse me.

6 MS. COWALL: No objection from the United States, Your  
7 Honor.

8 THE COURT: All right. Thank you. D-6 will be  
9 received in evidence.

10 (Defendants' Exhibit 6 entered.)

11 MR. SHELSON: May I approach the witness, Your Honor?

12 THE COURT: You may.

13 BY MR. SHELSON:

14 Q. Major Bryan, what is Exhibit D-114?

15 A. It's the -- it looks like the September quality assurance  
16 summary.

17 Q. So is the document you're holding that's marked D-114 an  
18 e-mail from you to Priscilla Dawson dated October 12, 2021?

19 A. Yes.

20 Q. And is the document that is marked Exhibit D-115 the  
21 attachment to the e-mail that is D-114?

22 A. I think so, yes.

23 Q. All right. And so with respect to D-115, if you flip  
24 through that document, do you see redline changes to that  
25 document?

1 A. Do I see them? Yes, I do.

2 Q. Yes. And did you make those redline changes to D-115?

3 A. I don't know that -- I don't know that I did.

4 Q. Is D-115 the draft quality assurance summary for  
5 September 2021?

6 A. It appears to be a draft, yes.

7 Q. Major Bryan, on the bottom of these pages, there's a  
8 Bates number. Could you turn to D1023, please? Do you see  
9 where it says "commented KB2." Is that you?

10 A. Yes.

11 Q. And so wherever it says "commented KB" in the document  
12 that's marked D-115 those are your comments; correct?

13 A. Without looking at each one, I would presume so, yes.

14 THE COURT: I notice some of them are KB1 and some of  
15 them are KB2, and it's your representation KB applies to her?

16 MR. SHELSON: Yes, Your Honor. They're numbered  
17 sequentially, Your Honor.

18 So, Your Honor, we did mark them as separate exhibits,  
19 but we would move to enter D-114 and D-115 into evidence as a  
20 single exhibit because it's an e-mail with an attachment as  
21 D-114.

22 THE COURT: Go ahead and just keep them as is for the  
23 purposes of the courtroom deputy. 114 will be the e-mail, and  
24 the 115 is the -- well, wait. What is it on your document?

25 MR. SHELSON: That's it, Your Honor. So we do move to

1 admit D-114 and D-115 into evidence.

2 THE COURT: Okay. All right. We're going to keep it  
3 for purposes -- I think it will make it simpler. Well, let me  
4 ask the Government -- the United States. Any objection?

5 MS. COWALL: No objection, Your Honor.

6 THE COURT: All right. D-114 and D-115 will be  
7 received in evidence.

8 (Defendants' Exhibits 114 and 115 entered.)

9 By MR. SHELSON:

10 Q. Major Bryan, when you were the jail administrator, how  
11 was the work center doing?

12 A. We didn't have as many issues arising from the work  
13 center as we did RDC.

14 Q. You think the work center was doing good?

15 A. I think it was, yes.

16 Q. When you were the jail administrator, how frequently did  
17 you communicate with Lisa Simpson?

18 A. I don't know the exact frequency, but we did communicate,  
19 yes.

20 Q. Was it daily?

21 A. No.

22 Q. Was it weekly?

23 A. No.

24 Q. Can you give any better estimate at all?

25 A. I really can't. I know we were in communication, but to

1 quantify it, I don't know that I can do that.

2 Q. When you were the jail administrator, did you and  
3 Dave Parrish have any disagreements regarding safety  
4 vestibules?

5 A. No, I don't believe we had a disagreement.

6 MR. SHELSON: Your Honor, may I approach the witness?

7 THE COURT: You may.

8 BY MR. SHELSON:

9 Q. Major Bryan, do you recognize Exhibit D-119?

10 A. I do.

11 Q. All right. Is Exhibit D-119 a series of e-mails  
12 involving you and Lisa Simpson and others?

13 A. Yes.

14 Q. Okay. I want to direct your attention to the second  
15 e-mail from the top of the page. It's from you to  
16 Lisa Simpson dated September 16th, 2021. Do you see that  
17 e-mail?

18 A. I do.

19 Q. Does it say, "Okay. Seems Dave and I are going to  
20 disagree on some issues, but I will present this information  
21 to the master planning group to see where we go from here"?

22 Did I read that correctly?

23 A. You did.

24 Q. And is the subject of this e-mail "control room  
25 vestibule"?



1 A. Yes.

2 Q. And is that the same thing as a safety vestibule?

3 A. A safety vestibule for this control room is what it's  
4 talking about.

5 Q. Thank you. And so with all that said, where you wrote to  
6 Ms. Simpson that Dave and you are going to disagree on some  
7 issues, what were you referring to?

8 A. The control room vestibule.

9 Q. And what was the disagreement?

10 A. It was my understanding that Dave felt that that was a  
11 need for -- to have some sort of security vestibule prior to  
12 entering or exiting the control room for controlled access.  
13 At the time -- this was right after I got here -- I didn't  
14 have a good understanding of what the scope of that was. And  
15 I also at the time, since I had just gotten there, didn't  
16 understand -- or disagreed with the priority level that I felt  
17 Dave was assigning to it based off of what I was seeing on the  
18 ground. That has since changed and we have moved forward with  
19 planning on security vestibules. But at the time we had a  
20 difference of opinion on those.

21 Q. All right. And so when you were jail administrator what  
22 was done, if anything, regarding these safety vestibules?

23 A. So recently we were planning on how those were going to  
24 work, how they were going to be designed or constructed or  
25 what some options were for the safety vestibules into the

1 control room as well as the safety vestibule for the work  
2 center's sally port area.

3 Q. And so that was in progress as of January 30th, 2022?

4 A. Yes, we had begun to talk about it.

5 Q. Thank you. You may set that document aside.

6 MR. SHELSON: Your Honor, we move to admit  
7 Exhibit D-119 into evidence.

8 THE COURT: Any objection from the United States?

9 MS. COWALL: No, Your Honor.

10 THE COURT: Okay. D-19 will be received into evidence.  
11 D-119.

12 (Defendants' Exhibit 119 entered.)

13 BY MR. SHELSON:

14 Q. Major Bryan, were you the jail administrator of the  
15 Beaufort County Detention Center from July 2015 to  
16 September 2020?

17 A. Yes.

18 Q. During that period were you ever sued in your capacity of  
19 jail administrator of Beaufort County Detention Center?

20 A. It's Beaufort County.

21 Q. Sorry. Thank you.

22 A. And, yes, I was.

23 Q. All right. Were you sued one time by Alexander Lee  
24 Simpson?

25 A. I believe so.

1 Q. And another time by Marquel Warren?

2 A. Yes.

3 Q. And did you recall any other instances where you were  
4 sued in your official capacity?

5 A. I believe there were a couple more arising from a similar  
6 issue.

7 Q. So with respect to Simpson and Warren, do you recall  
8 whether you prevailed on summary judgment?

9 A. We did.

10 Q. All right. But that kind of thing nonetheless comes with  
11 the territory, getting sued in your official capacity as jail  
12 administrator?

13 A. That was the first time I had been sued as a jail  
14 administrator.

15 Q. Do you recall being an expert in a case called *Kent*  
16 *versus Duncan*?

17 A. Yes.

18 Q. All right. And in that case who were you an expert for?

19 A. The defendant.

20 MR. SHELSON: May I approach the witness, Your Honor?

21 THE COURT: You may.

22 BY MR. SHELSON:

23 Q. Major Bryan, I've handed you a copy of the reported case  
24 of *Kent versus Duncan*, 2020 WL 133390. Do you see the section  
25 there that's captioned "Background" on the right column, first

1 page?

2 A. Yes.

3 Q. Does it say "The Plaintiff's claims arise from the  
4 Defendants' alleged failure to provide Ms. Smiley with  
5 emergency medical treatment and/or transportation to the  
6 hospital for such treatment while she was experiencing a  
7 severe drug overdose, which resulted in her death, during her  
8 detention at the Buncombe" -- how do you pronounce that?

9 A. Buncombe.

10 Q. Thank you. -- "County Detention Center."

11 Did I read that correctly?

12 A. Yes.

13 Q. And you were an expert for the defendants in that case?

14 A. Yes.

15 Q. I'm on page 3 of this opinion, top of the page, right  
16 column. I've highlighted it on the screen anyway, which you  
17 can't see. But "The parties complied with the Court's request  
18 and proffered the following details surrounding the factual  
19 and legal circumstances of this matter."

20 Do you see that?

21 A. I do.

22 Q. And then I'm down at the bottom of the page, paragraph  
23 that's numbered 11. "After being placed in the cell alone,  
24 Ms. Smiley rolled around on the floor for nearly an hour, and  
25 then exhibited seizure-like movements, went into cardiac

1 arrest, and stopped breathing. During that time, the County  
2 Defendants failed to place Ms. Smiley on a four-times-per-hour  
3 direct observation watch, as required by" -- and it has a  
4 County policy number -- "and she subsequently died from  
5 methamphetamine toxicity."

6 Did I read that correctly?

7 A. Yes.

8 Q. And what was your opinion in that case regarding the  
9 defendants?

10 A. I had many opinions in this case regarding the  
11 defendants. And the defendants that I'm referring to are the  
12 sheriff's defendants and the -- I can't remember exactly on  
13 this case, but I believe it was the sheriff and his staff  
14 defendants that I rendered opinions on.

15 Q. Did you conclude that the sheriff and staff defendants  
16 had no liability?

17 A. I did not make that legal conclusion.

18 Q. What -- in summary, what conclusion did you make about  
19 those two defendants?

20 A. In general the conclusion that I made was that they --  
21 and again, I'm making generalizations since I don't have my  
22 report in front of me and that was some time ago -- that there  
23 hadn't been a substantial violation of their policies or  
24 violations of administrative code.

25 Q. That there had or had not been?

1 A. Had not.

2 Q. All right. You can set that one aside, please.

3 Were you an expert witness in a case called *Short versus*  
4 *Stokes*?

5 A. Yes.

6 Q. Who were you an expert for in that case?

7 A. The defendant.

8 Q. Do you recall which defendant?

9 A. I'm sorry. The defendant sheriff and sheriff's staff, I  
10 believe.

11 Q. Thank you. So I'm showing you a reported decision in  
12 that case of *Short versus Stokes*, 2021 WL 620933. Let me see  
13 if I can get you a copy.

14 MR. SHELSON: May I approach, Your Honor?

15 THE COURT: Yes, you may.

16 BY MR. SHELSON:

17 Q. All right. Major Bryan, I'm directing your opinion to  
18 the right-side column below where it says "Memorandum Opinion  
19 and Order." And do you see there where it says the plaintiff  
20 "filed this action against multiple defendants allegedly  
21 involved in the events at the Davie County Detention Center,  
22 which led to Ms. Short's suicide in 2016"?

23 A. Yes.

24 Q. Was Ms. Short found hanging by a bedsheet attached to her  
25 neck from the cell door?

1 A. Yes.

2 Q. And I'll show you this, ma'am. It's on page 4. It's  
3 the -- a little more than halfway down, there's a paragraph  
4 that begins with asterisk 5, and then a policy of the jail is  
5 bolded and underlined. Do you see that?

6 A. I do.

7 Q. And this is the jail policy, and it read, "It is  
8 important to begin 10-to-15 minute checks on a suicidal  
9 inmate, even if he or she is in a multi-occupant cell. This  
10 must be documented." And it goes on to say "Ms. Short alleges  
11 that despite these policies, Ms. Short was not monitored, was  
12 placed in isolation and was given a bedsheet, resulting in her  
13 death."

14 Did I read that correctly?

15 A. Yes.

16 Q. And with respect to the sheriff and his staff, what was  
17 your opinion in that case?

18 A. I'm at a bit of a disadvantage not having my expert  
19 report in front of me to remember what opinions I rendered on  
20 these cases.

21 Q. Do you recall what your opinion was?

22 A. Again, without having my report in front of me, I'm  
23 having a hard time remembering what my opinions were on these  
24 cases.

25 MR. SHELSON: May I approach the witness, Your Honor?

1 THE COURT: Yes, you may.

2 BY MR. SHELSON:

3 Q. I'll represent to you, Major, that the document I've just  
4 handed you is a media account dated -- if you look at page 2,  
5 dated November 16th, 2020. And do you see it's talking about  
6 the Beaufort County -- did I say it right that time?

7 A. Yeah.

8 Q. Thank you. Beaufort County Detention Center. I'd like  
9 to direct your attention to the third page. Do you see where  
10 it says "Kathryn Bryan is the former jail administrator and  
11 said inmates are unable to get time outdoors for fresh air and  
12 are not able to visit with their children." Is that -- is  
13 that referring to you?

14 A. It is.

15 Q. Do you see the quote attributed to you in the next  
16 paragraph which reads, "I cannot count the number of times I  
17 heard inmates tell me, directly, that they were going to plead  
18 guilty to their charges just to get out of that jail."

19 Do you see that?

20 A. Yes.

21 Q. Did they accurately quote you?

22 A. They did.

23 Q. Okay. So as of November 16th, 2020, how long had it been  
24 since you'd been the jail administrator of that facility?

25 A. I retired in September of '20.



1 Q. When you were the jail administrator of the  
2 Beaufort County Detention Center, did you conduct an  
3 evaluation of that facility which ended up being a six-page  
4 evaluation published by the Beaufort County Sheriff's Office?

5 A. I don't know if they published anything that I created.

6 Q. Well, was there an evaluation created that you authored?

7 A. I did.

8 Q. Right. And did it --

9 A. I created a couple of them.

10 Q. Did one of them identify ten current problems with the  
11 county detention center?

12 A. I don't remember what -- I don't remember.

13 Q. Did one of the problems listed concern supervision in the  
14 surveillance system?

15 A. It might have been, yes.

16 MR. SHELSON: May I approach the witness, Your Honor?

17 THE COURT: Yes, you may.

18 BY MR. SHELSON:

19 Q. Major Bryan, this is a media account. It's dated  
20 September 17th, 2015, so I'm going to have to ask you whether  
21 it's accurate or not. So page 1, bottom, "The Beaufort County  
22 Sheriff's Office sent out a six page evaluation that  
23 highlights 10 current problems with the county detention  
24 center." Is that accurate, to your recollection?

25 A. So I don't remember if the sheriff's office sent out an

1 annual -- what this is a picture of is an annual  
2 state-of-the-jail report that I would write and submit to my  
3 sheriff. I don't know if they sent it out, but that's what  
4 that picture is.

5 Q. But you remember writing this type of evaluation; is that  
6 correct?

7 A. I do.

8 Q. Would you turn to page 2, please. The first paragraph at  
9 the top of the page, second sentence, referring to the  
10 evaluation and it says "It states that 'there is no intercom  
11 system in the inmate housing unit.'"

12 Was there any intercom system in the inmate housing unit  
13 while you were the jail administrator at Beaufort County  
14 Detention Center?

15 A. There was.

16 Q. And where it says that "the current method of  
17 communication is for the inmates to wave a towel or sheet at  
18 the surveillance camera until noticed," was that your  
19 evaluation?

20 A. At the time that's how they had to communicate with  
21 master control, yes.

22 Q. And then it says further down "Last December the board  
23 voted to keep the county from building a new jail." Is that  
24 consistent with your recollection?

25 A. Yes.

1 Q. And then does it say "This decision came after nearly  
2 \$1.5 million had already been spent to create a plan for the  
3 new jail and hire architects." Is that consistent with your  
4 recollection?

5 A. Yes.

6 Q. Did you agree or disagree with the decision not to build  
7 a new jail?

8 A. Oh, I disagreed with that decision.

9 Q. And why did you disagree with that decision?

10 A. Because the current jail was built completely underground  
11 with no fresh air, no sunlight, no opportunity for outside  
12 recreation, no sally port, and we were a block and a half from  
13 a river, so we flooded regularly, and we -- to me -- I offered  
14 up some alternatives, but those were the conditions at the  
15 jail.

16 The jail had been originally built in the '60s. Then  
17 after an incident, they expanded, but the expansion caused two  
18 housing units to face each other. So architecturally it was  
19 built improperly. And again, being a block and a half from a  
20 river, we had severe flooding problems.

21 Q. Based on your observations while you were the jail  
22 administrator at RDC, did you believe that that facility was  
23 architecturally built improperly?

24 A. I don't know that I can speak to how something was built  
25 architecturally.

1 Q. I'm sorry. I'm just trying to use as close as I could  
2 the same words that you just used. Let me re-ask it, please.

3 Based on your experience as the jail administrator at  
4 RDC, did you believe that was a well-designed facility for a  
5 jail, a direct-supervision jail?

6 A. I did.

7 Q. Do you see below the paragraph we just looked where it  
8 refers to somebody named Commissioner Jerry Langley? Do you  
9 recall that person?

10 A. Yes.

11 Q. All right. And then it quotes Mr. Langley as follows:  
12 "The jail was grandfathered in. It's really the obsolete  
13 jail. So the only way to modernize it is if you gut the  
14 entire thing. So basically just building a new facility is  
15 the most cost effective way to remedy the entire problem."

16 Did I read that correctly?

17 A. Yes.

18 Q. Do you agree with what is said there?

19 A. Yes.

20 Q. Are you aware that the County has approved -- strike  
21 that.

22 Are you aware that Hinds County has approved building a  
23 new jail?

24 A. Yes.

25 Q. Do you agree or disagree with that decision?

1 A. I -- I could agree or I could disagree. And I want to  
2 clarify that. I think we -- I agree with that decision.

3 Q. Why do you agree with that decision?

4 A. Well, while -- I believe that the problems with jail  
5 operations can be fixed in place. They can be fixed in that  
6 jail. The current Raymond Detention Center isn't that old.  
7 Operationally we can improve it in place.

8 If people smarter than me decide that it's a better  
9 decision to build a new jail, then I'm going to agree with  
10 that. If the decision had been made to remedy in place  
11 completely and never build a new jail, I would agree with  
12 that. The point being, whatever the decision is, I need to  
13 work with what I've got and support that effort. So if the  
14 decision was made before I got here to build a new jail, then  
15 I will support that.

16 Q. And alluding to what you just said, do you believe that  
17 the RDC can be improved into a better jail without a receiver?

18 A. I don't know that I'm equipped to answer that question.

19 Q. Did you submit a declaration in this case in  
20 December 2021? Let me --

21 MR. SHELSON: May I approach the witness, Your Honor?

22 THE COURT: You may.

23 BY MR. SHELSON:

24 Q. Let me re-ask that question, Major. Is the document I  
25 just handed you a declaration that you submitted in this case

1 that was filed on December 17th, 2021, in this case as  
2 ECF-106?

3 A. Yes.

4 Q. Do you stand by the statements you made in this  
5 declaration?

6 A. Yes.

7 Q. I did not bring an extra copy of this, Major Bryan, but  
8 we'll work this out. I'll represent to you that the United  
9 States filed in this case, on February 11th, 2022, their  
10 proposed findings of fact and conclusions of law. It's  
11 ECF-138. It's a 101-page document. Have you seen that  
12 document, to your recollection?

13 A. I don't think -- I don't know.

14 MR. SHELSON: May I approach, Your Honor?

15 THE COURT: You may.

16 BY MR. SHELSON:

17 Q. That's just the first page of it. Does that refresh your  
18 recollection one way or the other?

19 A. I'm not sure, Mr. Shelson. I'm sorry.

20 Q. Okay. That's fine. I'll represent to you -- and I'm  
21 looking at footnote 3 on ECF-138. And it makes a reference --  
22 well, here. I'll just read it to you. It says "As detailed  
23 more below, the jail administrator encountered such resistance  
24 from defendants that she currently no longer works at the  
25 jail." And then it says "Kathryn Bryan anticipated

1 testimony." And it abbreviates that as "TST Bryan." Okay?

2 And then in paragraph 69, it says "However, that was not  
3 Ms. Bryan's experience, and she is no longer the jail  
4 administrator after serving six months." And it says  
5 "Testimony Bryan." And then there's another place in here  
6 where it actually quotes your testimony.

7 And here's my question: Do you have any idea how the  
8 United States knew what you were going to testify here today  
9 before you ever came and testified?

10 A. I don't know.

11 MR. SHELSON: May I approach the witness, Your Honor?

12 THE COURT: You may.

13 MR. SHELSON: Can I have 128 and 129, please?

14 BY MR. SHELSON:

15 Q. Major Bryan, is the document that's labeled D-128 an  
16 e-mail chain that involves yourself?

17 A. Yes.

18 Q. All right. If I could direct your attention to the  
19 bottom e-mail that is dated August 11th, 2021, is that an  
20 e-mail from you to Felicia Johnson and others?

21 A. It is.

22 Q. And does the first sentence read, "Now that I have my  
23 feet on the ground and have recovered from COVID, I'm anxious  
24 to get started working toward compliance with the consent  
25 decree"?

1 A. Yes.

2 Q. All right. And so as of August 11th, approximately how  
3 long had you been back at work at RDC following your bout with  
4 COVID?

5 A. Maybe a week or so.

6 MR. SHELSON: Okay. Your Honor, we move to admit  
7 Exhibit D-128 into evidence.

8 THE COURT: Any objection?

9 MS. COWALL: No, Your Honor.

10 THE COURT: D-128 will be received in evidence.

11 (Defendants' Exhibit 128 entered.)

12 MR. SHELSON: Your Honor, may I approach the witness?

13 THE COURT: You may.

14 BY MR. SHELSON:

15 Q. Major Bryan, is Exhibit D-126 an e-mail chain between you  
16 and Lisa Simpson?

17 A. It is.

18 Q. And is the bottom e-mail an e-mail from you to  
19 Ms. Simpson dated August 29th, 2021?

20 A. Yes.

21 Q. And does the first sentence of that e-mail say "It has  
22 become nearly impossible for me to do the job for which I was  
23 hired"?

24 A. It does.

25 Q. And so at that point when you take out the period you



1 were out because of COVID, had you been on the job roughly one  
2 month?

3 A. Yes.

4 MR. SHELSON: Your Honor, we move to admit Exhibit  
5 D-126 into evidence.

6 THE COURT: Any objection?

7 MS. COWALL: No, Your Honor.

8 THE COURT: D-126 will be received in evidence.

9 (Defendants' Exhibit 126 entered.)

10 BY MR. SHELSON:

11 Q. I'm sorry, Major Bryan. Before I leave Exhibit 126,  
12 would you look at the last paragraph in your e-mail to  
13 Ms. Simpson dated August 29th, 2001 [sic]. Does it read, "I  
14 understand that we may transition to a change in  
15 administrative personnel, whether whole or in part, in  
16 November. However, I feel it is important to officially  
17 notify you of this situation as I am currently assessing my  
18 options with regard to continued employment with Hinds  
19 County."

20 Did I read that correctly?

21 A. Yes.

22 Q. And what options were you assessing?

23 A. Just on what I was going to do if conditions didn't  
24 change.

25 Q. And what type of things were you considering doing if

1 conditions didn't change?

2 A. At that time I didn't know yet.

3 Q. All right. At any point in time while you were jail  
4 administrator, did acting Sheriff Crisler suggest to you  
5 moving detainees from A-Pod to Madison and Rankin Counties?

6 A. He made that recommendation in a meeting that we had with  
7 a lot of people in attendance. He didn't make that  
8 recommendation to me, but he did make that recommendation.

9 Q. So did you reject that recommendation?

10 A. Well, again, he didn't make the recommendation to me. I  
11 did not support that recommendation.

12 Q. Why did you not support that recommendation?

13 A. Well, we hadn't had much luck in housing inmates in  
14 adjoining counties when we had tried. And it's expensive to  
15 house -- it can be expensive, in my experience, to house  
16 inmates in other counties. And we're still responsible for  
17 them regardless of where they're held, so...

18 Q. Is -- is there an organizational chart for the Hinds  
19 County Sheriff's Office?

20 A. Yes.

21 Q. Is the sheriff at the head of the organization?

22 A. Yes.

23 Q. And on the organizational chart, as jail administrator,  
24 were you in the tier below the sheriff?

25 A. Yes.

1 Q. All right. So the sheriff was your boss?

2 A. Yes.

3 Q. Just from your perspective, do you believe you were ever  
4 insubordinate to Sheriff Jones?

5 A. No.

6 Q. Did you and Sheriff Jones ever have a discussion  
7 regarding his perspective on that issue?

8 A. His perspective on what?

9 Q. On whether he believed you were insubordinate.

10 A. He -- there were time- -- there was a time that he -- I  
11 believe there was a time that he said to me in a call or  
12 during a meeting -- it might have been during a call -- that  
13 he felt that I was usurping his authority.

14 MR. SHELSON: Can I have the Elmo on?

15 Your Honor, I'm going to ask permission to approach the  
16 witness and show her Exhibit P-13, which is her letter of  
17 resignation dated November 10th, 2021, and which is already  
18 admitted into evidence as P-13.

19 THE COURT: You may.

20 BY MR. SHELSON:

21 Q. Is P-13 a letter of resignation from you dated  
22 November 17th -- excuse me, November 10th, 2021?

23 A. It is.

24 Q. All right. So how many times while you were jail  
25 administrator at RDC did you submit a resignation?

1 A. Two.

2 Q. And so what was the other time besides November 10th,  
3 2021?

4 A. It was -- I don't remember exactly when it was, but it  
5 was after November 10th.

6 Q. And so when you submitted your second resignation, who  
7 was the sheriff at the time?

8 A. Sheriff Crisler.

9 Q. Did you ever tell Sheriff Jones that you could not work  
10 with him?

11 A. That was part of what I said about that, yes. The entire  
12 part was I couldn't work with him under the same  
13 circumstances, that we needed to find a way to be able to work  
14 together.

15 Q. How long after Sheriff Jones had took office did you have  
16 the discussion you just mentioned with him?

17 A. We only worked together for two months, so it wasn't long  
18 after the election.

19 Q. All right. And Exhibit P-13, as we've established, I  
20 don't mean to be redundant, but dated November 10, 2020, was  
21 that about a week after the sheriff's election?

22 A. I'm not sure.

23 THE COURT: I think you misspoke. You said 2020. It  
24 should have been 2021, I believe.

25 MR. SHELSON: Thank you, Your Honor. I did mean 2021.

1 THE COURT: Okay. I just want the record to be clear.

2 BY MR. SHELSON:

3 Q. On December 28th, 2021, did DOJ send you an e-mail asking  
4 whether you'd like to be included on a call to discuss the  
5 issue of a compliance director?

6 MR. SHELSON: May I approach the witness, Your Honor?

7 THE COURT: Yes, you may.

8 BY MR. SHELSON:

9 Q. If I may, does the document I just handed you refresh  
10 your recollection about what I just asked you?

11 A. I remember this e-mail, yes.

12 Q. Okay. So did you take -- did you discuss with DOJ the  
13 issue of compliance director that's referenced in the  
14 December 28, 2021, e-mail I just handed to you?

15 A. I did not.

16 Q. Do you recall testifying on direct that recruiting  
17 someone is a longer-term process?

18 A. I believe I said it's a longer-term process than  
19 retaining a current employee, yes.

20 Q. Right. And that was certainly true for you as the jail  
21 administrator?

22 A. About my --

23 Q. No, just that recruiting someone is a longer-term process  
24 than retaining them.

25 A. Yes. Well, in the context that I said that under direct,

1 it was -- we were talking about salaries and increasing  
2 salaries, and that was a quicker remedy for a retention effort  
3 than it would have been for a recruiting effort.

4 THE COURT: As I recall her testimony, she was talking  
5 about correctional officers, whether they would be -- whether  
6 the onetime payment might be better to retain them or allow  
7 them to be retained or -- because the recruiting process of  
8 getting people on board is much longer. Where those people  
9 who already work there get a 2,000 to 4,000 COVID bump or  
10 either get a salary increase, that can be much quicker than  
11 trying to bring in people and have them there for a period of  
12 time. I think that was the comparison in her testimony.

13 MR. SHELSON: Yes, Your Honor. I appreciate that. I'm  
14 inartfully trying to get to a different point, but that's my  
15 fault.

16 THE COURT: Okay.

17 MR. SHELSON: Thank you, Your Honor.

18 BY MR. SHELSON:

19 Q. So let me cut to it, Major Bryan. Do you agree that for  
20 whomever the jail administrator is at RDC, there are going to  
21 be recruiting and retention challenges?

22 A. Yes.

23 Q. And the same would apply to a receiver, wouldn't it?

24 A. I'm not familiar with how a receiver works.

25 Q. Well, no one -- do you agree that no one has a magic wand

1 to fix the recruiting and retention issues at RDC?

2 A. I never believed there's a magic wand, but there is a fix  
3 to recruiting and retention issues at RDC.

4 Q. And it's a long-term process, though; do you agree with  
5 that?

6 A. It doesn't necessarily have to be.

7 Q. Did the number of detention staff go up or down during  
8 your tenure as jail administrator at RDC?

9 A. I don't know -- I don't know for sure because I don't  
10 know what the staffing levels were when I started. I know  
11 that there was a monitoring report that said that staffing  
12 levels were at the lowest they've been in seven years.

13 Q. Do you agree that staffing levels did not significantly  
14 increase during your tenure?

15 A. I would agree with that, yes, sir.

16 Q. Do you recall seeing several memos through both direct  
17 and cross that you authored while you were the jail  
18 administrator at RDC?

19 A. I'm sorry. Memos about what?

20 Q. Well, like, one was the contraband memo. That was one  
21 example.

22 A. Oh, yes.

23 Q. Did you ever write a memo to anyone about whether a  
24 receiver should be appointed?

25 A. No.

1 MR. SHELSON: May I approach the witness, Your Honor?

2 THE COURT: Yes, you may.

3 MS. COWALL: Your Honor, could we please get a copy of  
4 what Mr. Shelson has handed to the witness?

5 MR. SHELSON: I'm fixing to display it, but it's P-20  
6 that's been admitted into evidence.

7 MS. COWALL: Thank you.

8 BY MR. SHELSON:

9 Q. I've handed you Exhibit P-20, Major Bryan. Do you  
10 recognize it?

11 A. I do.

12 MR. SHELSON: And, again, Your Honor, I'll say for the  
13 record, this document has been admitted into the record by the  
14 plaintiff.

15 BY MR. SHELSON:

16 Q. Is this an after-action review dated November 15th, 2021?

17 A. It is.

18 Q. All right. And does this concern the homicide of MR that  
19 you were asked about on direct?

20 A. Yes.

21 Q. All right. You weren't here, but I'll represent to you  
22 yesterday that Mr. Dave Parrish testified to the effect --  
23 well, strike that.

24 How many after-action reviews did you prepare while you  
25 were the jail administrator of RDC?



1 A. One.

2 Q. Why did you prepare only one?

3 A. I'm trying to remember if there was an incident prior to  
4 this incident that would have prompted me to do an  
5 after-action.

6 Q. Had there been such an incident, you would have prepared  
7 an after-action review; correct?

8 A. Yes, sir.

9 Q. So the reason why there is only one after-action review  
10 during the time period you were the jail administrator of RDC  
11 is because you think -- you thought there was only one  
12 incident that occurred that warranted an after-action review;  
13 is that correct?

14 A. There are incidents that warrant a review. In my  
15 opinion, a formal after-action report is warranted in critical  
16 incidences. But there were things -- there are things that go  
17 on in the jail that require an after-action review of a less  
18 formal nature than a formal report. But yes, this -- to your  
19 point, this was the first time I felt that I needed to write a  
20 report.

21 Q. Now, with respect to the incident that is described in  
22 this after-action review that's P-20, which is the homicide of  
23 MR, what disciplinary action did you take while you were jail  
24 administrator?

25 A. I did not take disciplinary action.

1 Q. Did Sheriff Jones take disciplinary action against three  
2 detention officers on approximately December 27, 2021,  
3 regarding the homicide of MR?

4 A. He did.

5 Q. And what disciplinary action did he take?

6 A. He fired -- terminated three employees.

7 Q. And do you recall testifying on direct about that a  
8 training session did not occur because three officers were  
9 terminated?

10 A. Yes.

11 Q. Are the three officers that Sheriff Jones terminated in  
12 connection with the homicide of MR the same three officers  
13 that were terminated that caused you to lose the training  
14 session?

15 A. Yes.

16 MR. SHELSON: May I have a moment to confer, Your  
17 Honor?

18 THE COURT: All right.

19 MR. SHELSON: Thanks for your time today, Major Bryan.  
20 Your Honor, no further questions.

21 THE COURT: All right. Thank you.

22 It's now the appropriate time for us to break for our  
23 lunch. It's 1:00 now. Let's start back up at 2:15.

24 And is there anything, Mr. Cheng?

25 MR. CHENG: Yes, Your Honor, just one thing. If we

1 could get some type of IT check for the Zoom setup as well. I  
2 understand there's some tech issues, but because the afternoon  
3 witnesses might be on Zoom, it's helpful to make sure that's  
4 working as well.

5 THE COURT: Okay. We'll be in recess till 2:15.

6 (A lunch recess was taken.)

7 THE COURT: You may be seated.

8 Major Bryan, you may return to the stand for redirect.

9 I presume there is some?

10 MS. COWALL: Yes, Your Honor.

11 THE COURT: Okay. You're still under oath, Ms. Bryan.

12 **REDIRECT EXAMINATION**

13 **BY MS. COWALL:**

14 Q. Good afternoon, Ms. Bryan. Do you recall before the  
15 break that Mr. Shelson asked you a number of questions and one  
16 of his questions was about training, and you talked about  
17 training being put under your authority at the Hinds County  
18 Detention Center.

19 When that was done, were you offered any resources from  
20 patrol or the rest of the sheriff's office?

21 A. No.

22 Q. Do you recall having a discussion with Mr. Shelson about  
23 whether if a report was done for an incident, it was accurate?

24 A. I do.

25 Q. What did you mean by that?

1 A. I tried to clarify the question and ask if he meant if a  
2 report was generated, if the report was factually accurate,  
3 and to that I answered yes, I did believe that.

4 THE COURT: I'm going to ask you to speak up just a  
5 little bit for me. You may continue.

6 MS. COWALL: Thank you, Your Honor.

7 BY MS. COWALL:

8 Q. Did you mean to suggest that you had no concerns about  
9 how incident reports were completed?

10 MR. SHELSON: Objection. Leading, Your Honor.

11 THE COURT: Objection overruled.

12 A. I just meant that it was my opinion that the reports that  
13 were generated were accurately reflecting the incident that  
14 they were recording.

15 BY MS. COWALL:

16 Q. Did you have any concerns about incident report writing  
17 by staff?

18 A. I did.

19 Q. And what were those concerns?

20 A. I'm sorry?

21 Q. What were those concerns?

22 A. In general, the quality of the report writing could have  
23 been improved.

24 Q. And do you recall speaking with Mr. Shelson about the  
25 implementation of an electronic rounds system?

1 A. I do.

2 Q. Does implementing an electronic rounds system require IT  
3 services?

4 A. It does.

5 Q. What was your experience with the IT services provided to  
6 the jail? Did you have any concerns with them?

7 A. I did. The IT position is a part-time position, and in  
8 any jail, much less a jail needing a lot of technology  
9 attention and upgrades, it wasn't as efficient or timely or as  
10 responsive as it needed to be to get things moving quicker.

11 Q. Did IT services impact the opening of the mental health  
12 unit?

13 A. It was one of the things that we were waiting on, yes.

14 Q. Now, you also spoke with Mr. Shelson about working to  
15 deal with COVID-19 inside the jail. Do you recall that?

16 A. Yes.

17 Q. Did you spend any of your own personal money on those  
18 efforts?

19 A. Oh, on COVID? Yes. The County paid for some incentives  
20 for inmates to get vaccinations at one point, and we had  
21 received assurance from them that they would do it again. But  
22 then they didn't do it again. But it was very successful, so  
23 I paid for pizzas for inmates as an encouragement for them to  
24 get a COVID shot.

25 Q. And how much money did you spend on that?

1 A. Maybe 5 or \$600.

2 Q. Do you recall speaking with Mr. Shelson about the  
3 performance of the medical contractor at Hinds County Jail,  
4 QCHC?

5 A. I do.

6 Q. Do security staff levels affect the delivery of medical  
7 services in the Hinds County Jail?

8 A. Yes, they do.

9 Q. How so?

10 A. Medical staff roam around the jail conducting their  
11 duties. They go to housing units to deliver medications.  
12 They go to housing units to conduct mental health wellness  
13 checks on inmates. They see inmates in the clinic. And all  
14 of those activities, anytime a medical provider is in contact  
15 with an inmate, we need to have security staff with them to  
16 make sure they're safe.

17 When staffing's low, I have to make the best of the worst  
18 options. Do I take them out of -- staff out of a pod to  
19 assign them to the nursing staff or what? So when security  
20 staff aren't available, medical staff has difficulty tending  
21 to all the needs that they need to do.

22 Q. And does that impact detainees' access to medical and  
23 mental health care?

24 A. Yes, it does.

25 Q. Now, you also spoke with Mr. Shelson about monthly

1 quality assurance reports. Do you recall that discussion?

2 A. Yes.

3 Q. And do you recall talking about monthly quality assurance  
4 report meetings?

5 A. Yes.

6 Q. Did Sheriff Jones ever participate in those monthly  
7 quality assurance meetings?

8 A. Not to my knowledge.

9 Q. And do you recall speaking with Mr. Shelson about the two  
10 County maintenance employees working at the jail?

11 A. Yes.

12 Q. Are those two maintenance employees able to fix all the  
13 maintenance problems?

14 A. No.

15 Q. Are there still maintenance problems that haven't been  
16 fixed?

17 A. Yes.

18 Q. And do you think those maintenance problems pose a  
19 substantial risk of harm to detainees and staff?

20 MR. SHELSON: Objection. Leading.

21 THE COURT: Yeah. Don't lead the witness.

22 BY MS. COWALL:

23 Q. Do those maintenance problems have any impact on staff  
24 and detainees?

25 A. Yes. It renders some areas unsafe when things don't work

1 properly.

2 Q. Do you recall speaking with Mr. Shelson about safety  
3 vestibules?

4 A. Yes.

5 Q. And do you recall that at some point there may have been  
6 a disagreement between you and the monitoring expert,  
7 Dave Parrish, about that issue?

8 A. Yes.

9 Q. And you said that your opinion had changed; is that  
10 correct?

11 A. Yes.

12 Q. Why did your opinion change?

13 A. Initially I think I had a misunderstanding about what  
14 Mr. Parrish was talking about with those safety vestibules is  
15 part of it. The other part was, when I got there and started  
16 to do some assessments, I wasn't sure that that was as high of  
17 a priority as perhaps he thought it might have been. As -- I  
18 later decided during more assessments that he was spot on,  
19 that we needed to address those safety vestibules as a  
20 priority and then had an understanding of what exactly it was  
21 that he was proposing.

22 Q. Do you recall speaking with Mr. Shelson about  
23 Sheriff Jones taking disciplinary action with regard to three  
24 employees with respect to the MR homicide?

25 A. Yes.



1 Q. Did Sheriff Jones consult you regarding those  
2 terminations?

3 A. No.

4 Q. If he had consulted you, would you have done anything  
5 differently?

6 A. That's hard to say. I hadn't seen all of the information  
7 from that investigation, so I don't know what I would have  
8 said.

9 Q. Why hadn't you seen the information from the  
10 investigation?

11 A. I'm not sure.

12 Q. Did you ask to see that information?

13 A. I don't know if I specifically asked to see that  
14 information since the decision had already been rendered.

15 Q. Do you recall speaking with Mr. Shelson about  
16 Beaufort County Detention Center?

17 A. Yes.

18 Q. How did the levels of harm to detainees at  
19 Beaufort County Detention Center compare to those at Hinds  
20 County Detention Center?

21 A. So obviously the jail's construct was different. But in  
22 general -- so in North Carolina, jails are subject to be  
23 inspected by state jail inspectors twice a year. There's a  
24 list of about 147 criteria that they inspect. And they come  
25 every six months, and they're rigorous inspections. And when

1 you have a jail that was built in the '60s that's underground,  
2 when I inherited it, the doors didn't work; the locking  
3 mechanisms would fail. There were some challenges there.

4 But the five years that I was the jail inspector, we had  
5 four back-to-back perfect jail inspections. So two years in a  
6 row, we came out with not one deficiency. And when you have a  
7 facility that can pass such a rigorous inspection, I will  
8 opine that it's a safer environment for inmates and staff.

9 Q. Do you recall Mr. Shelson asking you whether you claim to  
10 be an expert regarding whether jails meet constitutional  
11 minimums?

12 A. Yes.

13 Q. Do you have experience working to achieve reasonably safe  
14 jail conditions?

15 A. I do.

16 Q. And do you believe the goal of reasonably safe jail  
17 conditions was achieved before Sheriff Jones terminated your  
18 employment?

19 A. No.

20 MS. COWALL: Thank you. I have nothing further, Your  
21 Honor.

22 THE COURT: All right. I have a few questions, and,  
23 Major Bryan, the United States will be able to follow up based  
24 on any questions that I ask, and so will Hinds County.

25 **EXAMINATION**

1     **BY THE COURT:**

2     Q.    I just want to get my understanding on some things.  You  
3    mentioned that, I believe, you hold certifications with the  
4    National Institute of somebody, I think; is that correct?

5     A.    Yes, sir, the National Institute of Corrections.

6     Q.    Okay.  Tell me, how does one go about getting a  
7    certification for that?  What does that entail?

8     A.    So it's not a certification *per se*, Your Honor.  The  
9    National Institute of Corrections offers technical assistance  
10   to jails out in the field.  And they offer -- part of that is  
11   they offer training for that.  And until recently, there were  
12   no laypeople that were approved to teach their curriculum out  
13   in the field.

14           Several years ago myself and a colleague were vetted and  
15   approved to teach National Institute of Corrections training  
16   criteria.  As far as I know, we're the only two in the country  
17   that are permitted to do that.

18    Q.    And who would you teach it to, I guess?

19    A.    Other jail people, jail executives.

20    Q.    Would that include jail administrators?

21    A.    Yes, sir.

22    Q.    Now, do you hold any other certifications with respect  
23   to -- as a jail administrator?

24    A.    I hold a certification through the American Jail  
25   Association as a Certified Jail Manager.

1 Q. Okay. And tell me, what does one need to do to get the  
2 certification from the American Jail -- to whatever you said  
3 that was that you had.

4 A. You have to meet certain criteria in order to qualify to  
5 sit for a national test. It's criteria based on your  
6 practical experience running a jail, any training that you've  
7 received at the executive level as a jail person, any training  
8 you've delivered, your professional affiliations, all manner  
9 of criteria that you have to meet. It's on a points system.  
10 And once you have enough of those points, then you can apply  
11 to sit for this exam.

12 Q. Okay.

13 A. And once you pass the exam, then you're a Certified Jail  
14 Manager.

15 Q. Okay. And you've sat for the exam?

16 A. Yes, sir.

17 Q. And passed it?

18 A. Yes, sir.

19 Q. Are there any other certifications you hold with respect  
20 to correctional issues?

21 A. No, sir.

22 Q. Do you know if the person who replaced -- do you know the  
23 person who replaced you?

24 A. No, sir.

25 Q. Okay. I guess that person has not -- I think Mr. Simon's

1 name has come up as somebody who's running the facility right  
2 now, I think. I think that's what the evidence is.

3 THE COURT: Anthony Simon, is he the person? I don't  
4 want to misstate anything, so --

5 MR. SHELSON: No, sir. Chief Simon is the interim  
6 administrator until Frank Shaw comes on board.

7 THE COURT: He's the interim administrator right now?

8 MR. SHELSON: Yes, sir.

9 BY THE COURT:

10 Q. Do you know, Major Bryan, if Mr. Simon holds either of  
11 those certifications?

12 A. He does not, no, sir.

13 Q. Now, you also testified that you own and run -- or at  
14 least back in 2016 forward, you owned and ran a consulting  
15 firm?

16 A. Yes, sir.

17 Q. Okay. And what did your consulting firm do?

18 A. Provide expert witness reports. We also provide training  
19 and PREA audits and operational assessments for jails.

20 Q. Okay. You said expert reports and provide training.  
21 Training to whom? To who?

22 A. To jail executives and jail staff.

23 Q. Would that include jail -- I understand you're using the  
24 word "executives," but does that include jail administrators?

25 A. Yes, sir.

1 Q. Okay. And who -- what type of entities would retain you  
2 to consult with? Is it states entities, is it county, is  
3 it -- what type of entity? Private companies?

4 A. So for the expert witness reports, Your Honor, when  
5 sheriff's offices and counties are sued in federal court for  
6 conditions of confinement, the insurers may or may not hire  
7 out an expert as a consultant to that case. So I'm retained  
8 by attorneys working for the insurance carrier of the  
9 defendants, or the plaintiffs contact me. That's for the  
10 expert witness work. For the training and operational  
11 assessments, that's usually directly from a facility.

12 Q. Directly from the facility?

13 A. Yes, sir.

14 Q. Okay. And I think you testified you served as a  
15 technical resource provider before?

16 A. That's the same thing we talked about earlier, about NIC  
17 with the training.

18 Q. Okay. All right. Now, I also think that you testified,  
19 and correct me if I'm wrong, you've also done -- as a part of  
20 this training that you've done, what type of things is the  
21 training that you provided? For example, what type of -- if  
22 you were called to consult with Hinds County, what type of  
23 training might you provide?

24 A. So some of the standard training platforms that we use a  
25 lot, there's one on budget preparation and budget management

1 for jails, there's one on detention contracts, and then  
2 there's the jail administrator training from NIC that we  
3 deliver to the top people of jails.

4 Q. Would your training module at all include anything about  
5 the day-to-day running of a facility?

6 A. So that training that I deliver comes from -- when I  
7 teach the basic jailer schools across the state in North  
8 Carolina, that's the day-to-day curriculum that I teach.

9 Q. Okay. Is that all -- as a part of the training that you  
10 provide, I think I heard your testimony about persons needing  
11 to be trained at Hinds County. For example, I think -- I'm  
12 specifically recalling the testimony of the three gentlemen  
13 who were training officers, I think, who were ultimately fired  
14 or whatever, and part of, I think, your testimony was you  
15 wanted to get that training for some of the individuals done.  
16 I could be wrong about that testimony.

17 But in any event, what about the day-to-day management,  
18 the training of the specific correctional officers that you  
19 might do or that you would expect or that you might be  
20 consulted on?

21 A. As a jail administrator, I provide the training for the  
22 use-of-force scenarios. I provide training for inmate  
23 behavior management and how to work in a direct-supervision  
24 environment. I do a lot of that training. And then some of  
25 the training lesson plans that I have, I deliver those to my

1 jailers as well.

2 Q. So I think that gives me my answer. Use of force, you  
3 know something about the levels of force that -- you train  
4 people on the levels of force that can or should be used in a  
5 facility?

6 A. Yes, sir.

7 Q. Okay. With respect to -- there was testimony earlier  
8 about the policies and procedures. And there has been  
9 references to electronic control technology, I think is the  
10 word that we've seen or that might be used in their  
11 procedures. I guess a Taser is an electronic control device?

12 A. Yes, sir.

13 Q. Are there any other devices that could be categorized as  
14 electronic control devices?

15 A. There may be. I don't know if there are. Taser is a  
16 trademark name. So I think a lot of policy writers are  
17 reluctant to put the word "Taser" in a policy. But electronic  
18 control devices are Tasers.

19 Q. Okay. Would shock batons be electronic? Is there such  
20 thing as a shock baton, for example? Is that something?

21 A. I don't know, but that would be cool. I don't know, Your  
22 Honor. I'm not aware.

23 Q. Does one need special training on the use of Tasers?

24 A. Yes.

25 Q. And I think your testimony was that you actually were the



1 one who -- well, tell me. I think you requested Tasers, but  
2 Tasers had already been on order and they came through later?

3 A. That's correct.

4 Q. Okay. Did you request Tasers when you first came on  
5 board?

6 A. Yes.

7 Q. Okay. And for whom would you issue those -- to whom  
8 would you issue those Tasers to?

9 A. That's a tough question to answer, Your Honor. It  
10 depends on how many Tasers, how many people we can cycle  
11 through to give them the use-of-force scenario training, and  
12 what shifts they work, where they're stationed. So they would  
13 go to people that were certified to carry a Taser that had  
14 gone through the use-of-force training, and depending on how  
15 many Tasers we would need to make sure that we had disbursed  
16 them across all three shifts in as many areas of both  
17 facilities as we could.

18 Q. Was it your plan to make sure that persons were properly  
19 trained to use the Tasers?

20 A. Yes, sir.

21 Q. And that part of their training would be that they would  
22 have to go through a use-of-force scenario; is that --

23 A. Yes, sir.

24 Q. Now, did you provide any of that particular training to  
25 the individuals whose hands these Tasers ended up in?

1 A. No, sir.

2 Q. After a Taser is used at a correctional facility, is  
3 there any need to do any sort of report with respect to that  
4 use of a Taser? And I was going to say "electronic control  
5 device," but I'm calling it a Taser.

6 Would there be -- is there anything in your training that  
7 says that after it is used in some way, that there should be  
8 some sort of follow-up, some sort of report or anything done  
9 in that way?

10 A. So after every use of force, whether it's with a Taser or  
11 not, they're required to do a report for that event, yes, sir.

12 Q. Off of every use of force?

13 A. Yes, sir.

14 Q. That would include hands?

15 A. Yes.

16 Q. That would include sticks or whatever?

17 A. Yes.

18 Q. Okay. And what's the importance of having that report  
19 after the use of force is used?

20 A. Well, using force is a constitutional issue, and we need  
21 to make sure that we accurately document what happened. We  
22 need to accurately document it so that we can review it for --  
23 to make sure that everything was done right.

24 Q. Now, there was testimony about you learning that the  
25 County was -- had in place or had already -- had rented or was

1 about to sign off on a contract with respect to tents for the  
2 COVID-infected inmates.

3 A. Yes, sir.

4 Q. Okay. Were there any tents ever installed at Hinds  
5 County while you were there?

6 A. No, sir.

7 Q. Okay. And how did you learn that they were ordering  
8 those tents or that that had been a part of the conversation?

9 A. I don't remember who I talked to or what the  
10 circumstances were, but somebody mentioned that and somebody  
11 asked me -- or somebody asked me where I wanted them to go, to  
12 be put. And that was the first I had learned about the tents.

13 Q. And when was that? Was that in August or was that in  
14 June or July?

15 A. Sir, it probably would have been August or September, but  
16 I don't remember.

17 Q. Okay. Now, I believe you and Mr. Shelson were talking to  
18 each other and you-all knew the vernacular way better than I  
19 did, and I did not interrupt. But he was talking about  
20 hierarchy among detainees in jail and he mentioned "pod boss."  
21 What is a pod boss?

22 A. So a pod boss is a term that we use to talk about whoever  
23 is in that unit who kind of runs the show, kind of directs the  
24 activities of other inmates.

25 Q. You're talking about another inmate?

1 A. Yes.

2 Q. And a gang committee was something else Mr. Shelson  
3 mentioned. And you seemed to know about that. I did not, so  
4 tell me what a gang committee is.

5 A. I've never heard the term "gang committee," so I --

6 Q. Okay. I do think Mr. Shelson asked you something about a  
7 gang committee. So I was not sure if that was a committee of  
8 gang members or a committee of correctional officers who  
9 oversee the gangs. So we'll figure that out later, I guess.

10 Now, when you decided to come to Hinds County, what was  
11 your understanding after you got here? How was Major --  
12 excuse me. How was Sheriff -- were you on Sheriff Vance's  
13 command staff?

14 A. Yes, I believe so.

15 Q. Okay. I mean -- and who else was on that command staff?

16 A. I'm not sure exactly, Your Honor. I would think it would  
17 be the top people in the sheriff's office.

18 Q. Do you recall any of those top people in the sheriff's  
19 office?

20 A. Yes, Alan White and Eric Wall I know that were on his  
21 command staff. Who else he had designated, I'm not sure.

22 Q. Okay. Now, when you agreed to come on to Hinds County,  
23 were you aware that Hinds County was under a consent decree?

24 A. Yes, sir.

25 Q. Were you aware that Hinds County was under a stipulated

1 order?

2 A. I'm not sure at the time I knew all of the rest of that,  
3 but I knew it was under a consent decree.

4 Q. You knew it was under a consent decree?

5 A. Yes, sir.

6 Q. Okay. Did you -- at the time that you came on board, did  
7 you know that monitors had the right to on-site visits and ask  
8 for documentation and whatnot, that monitors had been  
9 appointed by the Court for the purposes of the consent decree?

10 A. Yes.

11 Q. And what was your understanding of what the monitors'  
12 role was?

13 A. I understood that they did quarterly site visits to  
14 assess where we were with making things better in the jail.

15 Q. Okay. And, I mean -- and where did you get that  
16 understanding from?

17 A. I'm not sure who told me that. It wasn't a formal  
18 meeting about what all that was. Somebody told me, though.

19 Q. Okay. Might it have been Sheriff Vance?

20 A. It might have been, sir. It might have been his counsel  
21 at the time. It might have been his counsel at the time to  
22 give me an overview of that.

23 Q. And his counsel at that time was Claire Barker?

24 A. Claire Barker.

25 Q. There's been -- there was testimony that you had to come

1 out of your pocket to buy certain things, I think including  
2 board games and other things. I want to ask you specifically  
3 about tables and chairs for use inside of the pods for the  
4 detainees to eat.

5 Are there any tables and chairs in any of the pods for  
6 the use of detainees to eat their meals?

7 A. There are some, very few, seats, but at the time I left,  
8 we don't have tabletops yet, but that plan was in place, to  
9 put tabletops on the existing tables without them and to  
10 potentially put in tables that were going to be removed from  
11 Henley-Young and replaced. We were going to take those as  
12 well. That hadn't happened by the time I left, but the plan  
13 was there for that to --

14 Q. When you say "the plan was there," had any been ordered?

15 A. I'm not sure where the logistics of it were, if they had  
16 been ordered or approved, but I know we had a plan.

17 Q. Okay. Did you -- as the jail administrator, do you think  
18 it's important for the inmates to -- excuse me, not inmates --  
19 for the detainees to have tabletops or something where they  
20 can eat their meals?

21 A. It's so important.

22 Q. Had anyone told you that this court had already inquired  
23 about the tables and chairs going back to August 2019?

24 A. No, sir.

25 Q. Do you know how many detainees died while you were the

1 jail administrator, whether it's natural death or death  
2 related to unnatural causes?

3 A. Three.

4 Q. Three?

5 A. Yes, sir.

6 Q. Okay. And I noticed that you've already testified about  
7 the one after-action report that you completed with respect to  
8 the death of MR, I believe is the initials, back in October.

9 Did you complete -- what action did you take, if any,  
10 upon learning of the other deaths that occurred during the  
11 time that you were administrator?

12 A. The other two deaths were medical deaths that occurred  
13 outside the facility, and we conducted a mortality review on  
14 those deaths, but I didn't do an after-action review on them.

15 Q. Okay. Is your mortality review something that's done in  
16 writing?

17 A. Yes.

18 Q. Okay. And did you prepare the mortality review?

19 A. No, sir. Our physician does.

20 Q. The physician does?

21 A. Yes, sir.

22 Q. Did you see the mortality review?

23 A. Yes, I believe I did.

24 Q. Okay. You indicated -- and I think this is wrapping up  
25 the questions that I had. You indicated that you may have --

1 I want to be clear. You ordered or you asked for flashlights  
2 to be ordered for officers?

3 A. Yes.

4 Q. And I think your testimony was that they never received  
5 the flashlights?

6 A. Correct.

7 Q. While you were there?

8 A. Yes, sir.

9 Q. Okay. Do you know when you first requested that they...

10 A. If it wasn't the end of November, it was sometime early  
11 in December for the initial request.

12 Q. Okay. And why did you believe that the officers should  
13 have flashlights?

14 A. In any jail that I've been in, there are some places that  
15 are not as well lit even when the lights are working. Or in  
16 the event of a power failure, they need to have flashlights.  
17 And when they are doing cell searches and they want to look  
18 under bunks or in darker areas, they need to have a  
19 flashlight. Flashlights are also beneficial when you're doing  
20 a search because sharp things glitter in that light. It makes  
21 it easier to identify them.

22 Q. Okay. And as you know, I visited the jail; right?

23 A. Yes, sir.

24 Q. I was there in January along with you and others; right?

25 A. Yes, sir.



1 Q. At that time weren't many of the jail cells without  
2 lights at all on the inside?

3 A. Yes, sir.

4 Q. And would it be important to be able to see in the  
5 particular jails where the detainees are housed?

6 A. Yes, sir.

7 Q. And your last day at Hinds County was January 31st?

8 A. Yes, sir.

9 Q. Between the week that I was there -- the day that I was  
10 there was January the 24th. Between that day and January the  
11 31st, were the lights repaired in any of the cells?

12 A. Not to my knowledge, no, sir.

13 Q. Then you also indicated as part of the physical plant  
14 issues that you were going down with the United States on, you  
15 said lights don't work; you said locks don't work. Where are  
16 those locks that you're talking about that are not working?

17 A. Some of the cell door locks; some of the locks to  
18 hallways, some of those doors have locks that don't function.

19 Q. And you also mentioned cameras don't work. Again, I was  
20 there on January the 24th. You were there until January the  
21 31st. Between the 24th and the 31st, did the cameras become  
22 operable, those cameras that were not working?

23 A. No, sir.

24 Q. Had you asked about getting those replaced or repaired?

25 A. Yes, sir.

1 Q. With respect to the locks, they were not working on the  
2 24th. Any of those locks -- to your knowledge, were any of  
3 those locks fixed between the 24th and the 31st, the ones that  
4 were not -- the one that you contend were not -- the ones that  
5 you contend were in disrepair?

6 A. No, sir.

7 THE COURT: Okay. Those are all of my questions,  
8 Major Bryan. I appreciate it.

9 I turn to the Government. Is there any follow-up that  
10 the United States has with respect to the questions that I've  
11 asked?

12 MS. COWALL: Just one or two follow-up questions, Your  
13 Honor.

14 THE COURT: You may proceed.

15 **FURTHER REDIRECT EXAMINATION**

16 **BY MS. COWALL:**

17 Q. Ms. Bryan, are there other force tools used in the jail  
18 besides Tasers?

19 A. The officers have OC spray.

20 Q. And are there bean bag guns in the jail?

21 A. Yes.

22 Q. Is there any scenario-based training for those other  
23 force tools that you just mentioned?

24 A. Not for OC spray. And from my understanding, the  
25 detention officers aren't certified with the bean bag shotgun,

1 so I don't know if that scenario training is available for the  
2 people that are certified to carry those.

3 Q. So -- I'm sorry. Could you just repeat your answer with  
4 regard to the bean bag shotgun?

5 A. Sure. I'm sorry. It's my understanding that none of the  
6 detention officers are certified to carry those, so I'm not  
7 sure if scenario training is available to the others who are  
8 certified to carry them.

9 Q. But bean bag guns are in use in the jail?

10 A. Yes.

11 MS. COWALL: Thank you, Ms. Bryan.

12 **FURTHER EXAMINATION**

13 **BY THE COURT:**

14 Q. If they are in use, who's using them? The correctional  
15 officers or --

16 A. No, sir. Law enforcement officers.

17 Q. Law enforcement officers when they come on -- law  
18 enforcement officers are not there every day; right?

19 A. No, sir.

20 THE COURT: All right. Thank you.

21 Mr. Shelson?

22 MR. SHELSON: May I proceed, Your Honor?

23 THE COURT: Yes. Yes.

24 MR. SHELSON: Thank you, Your Honor.

25 **RECROSS-EXAMINATION**

1 **BY MR. SHELSON:**

2 Q. Just a few questions, Major. Did you conduct any  
3 training at RDC when you were at RDC?

4 A. No.

5 Q. While you were at RDC, did you conduct training at any  
6 other facilities?

7 A. No.

8 Q. The Court asked you a question of whether you had to buy  
9 board games with your own money. Do you recall that?

10 A. Yes.

11 Q. Not to quibble, but did you have to do that, or did you  
12 choose to do that?

13 A. I think I said earlier that I hadn't requisitioned those,  
14 but I knew that I needed them quickly, so I chose to do that.

15 Q. Do you know whether you were at RDC -- whether there were  
16 any board games at that facility that you did not buy?

17 A. Yes, there were some.

18 Q. Are you aware of an incident that occurred while you were  
19 the jail administrator at RDC where a detainee was Tased while  
20 he was lying on the ground?

21 A. Yes.

22 Q. Okay. Was that before -- did that incident occur before  
23 Sheriff Jones came into office as the sheriff?

24 A. Yes.

25 Q. All right. So that incident had nothing to do with the

1 Tasers that Sheriff Jones introduced to the facility; is that  
2 correct?

3 A. That's correct.

4 Q. Did you ever have a discussion with Sheriff Jones about  
5 flashlights?

6 A. I don't think so.

7 Q. Let me put it this way: If you did, you don't remember  
8 it?

9 A. That's correct.

10 Q. All right. Just about done, Major. And this is in  
11 connection with a question the Court asked. Were the three  
12 officers that Sheriff Jones fired in connection with the MR  
13 homicide, were those officers training officers?

14 A. No.

15 Q. Okay. What type of officers were they?

16 A. Line officers.

17 MR. SHELSON: Thank you, Major Bryan.

18 Thank you, Your Honor. That's all the questions.

19 THE COURT: Okay. Bear with me for one second. I  
20 apologize for the delay.

21 Major Bryan, thank you for your testimony.

22 Is this witness finally excused? Is not? Okay. I'm  
23 sorry.

24 MS. COWALL: Your Honor, there's a possibility that we  
25 may need to call her as a rebuttal witness --

1 THE COURT: Okay.

2 MS. COWALL: -- as noted in the witness list, so we  
3 wanted to clarify whether she could be in the courtroom,  
4 particularly in light of the fact that Mr. Shelson seemed to  
5 be asking her a lot of expert-type questions.

6 THE COURT: I presume he did that to show that she's  
7 not an expert, I assume. Although -- well, I didn't hear any  
8 objections from the Government, so I don't think it's  
9 appropriate because this court has not deemed her to be an  
10 expert, a fact witness only. So as a witness, she should  
11 still be sequestered.

12 So, Major Bryan, I'm going to ask that you not speak  
13 with anyone about your testimony or not allow anyone to talk  
14 to you about your testimony. The Government may call you in  
15 rebuttal at some point in time again.

16 THE WITNESS: Yes, sir.

17 THE COURT: All right. Thank you so very much.

18 Who is the Government's next witness?

19 MS. COWALL: Your Honor, the United States will be  
20 calling Dr. Richard Dudley, and he'll be appearing virtually.

21 THE COURT: Okay. Richard, we're getting some feedback  
22 here.

23 Let's try it again, Ms. Summers. It's good? Okay.

24 Dr. Dudley, you've been called in this case as a  
25 witness. Can you hear us fine?

1 THE WITNESS: You're a little faint, Your Honor.

2 THE COURT: Oh, I wasn't on the mike. Can you hear me  
3 fine now?

4 THE WITNESS: Ah. Yes, I can.

5 THE COURT: All right. I'm going to turn off my mike  
6 and make sure that the only mike in this courtroom that's open  
7 is the one of the lawyer questioning you. But first we're  
8 going to give you an oath -- administer an oath for you,  
9 Dr. Dudley.

10 (Whereupon, the witness was placed under oath.)

11 THE COURT: I know with you proceeding remotely, there  
12 may be some delay in between the time that you are asked a  
13 question and then for you to answer. But take whatever time  
14 you need, and please make sure you hear the question that is  
15 asked or the questions that are asked. And if at any time you  
16 don't understand a question that's being asked, please let us  
17 know, Dr. Dudley.

18 You may proceed.

19 MS. STEEGE: Thank you, Your Honor.

20 THE COURT: Is your microphone on?

21 MS. STEEGE: It is. Can you hear me?

22 THE WITNESS: You're a little faint, but I can hear  
23 you. But the screen is not showing you. It's showing someone  
24 who's called in.

25 MS. STEEGE: All right. Well, there should be --

1 THE COURT: The screen is showing someone who's called  
2 in? Is there a number or something that you see there,  
3 Dr. Dudley?

4 THE WITNESS: Yes. (601)608-4000.

5 THE COURT: Okay. That's our number here at the court.

6 MS. STEEGE: Am I on any of the screens, or no?

7 THE COURT: That's us communicating with IT.

8 Now, can you see the people in the courtroom now on  
9 your screen, Dr. Dudley?

10 THE WITNESS: I'm only seeing some now.

11 THE COURT: But are you seeing the lawyer standing up  
12 with the mask? She's the one who is about to start  
13 questioning you.

14 THE WITNESS: Only in the thumbnail.

15 THE COURT: Only what?

16 THE WITNESS: Only -- I only see her in the small  
17 thumbnail picture. The main picture is the telephone.

18 THE COURT: Oh, the main picture is the telephone.  
19 That can be very distracting, I'm sure. Oh, that's what he  
20 sees.

21 MS. STEEGE: Is the other primary photo of the district  
22 court seal?

23 THE COURT: Hold on. We're going to try to get some  
24 help for you, Dr. Dudley.

25 Yeah, let's take five minutes while we try to get this



1 taken care of. We're in recess.

2 (A brief recess was taken.)

3 THE COURT: I think we have all the technical things  
4 fixed up until the gremlins raise their heads again.

5 So, Dr. Dudley, you've been placed under oath. Can you  
6 hear me fine right now?

7 THE WITNESS: Yes, I can, Your Honor.

8 THE COURT: All right. Thank you.

9 Are you ready to proceed?

10 MS. STEEGE: I am. Thank you.

11 THE COURT: You may.

12 MS. STEEGE: Thank you.

13 **RICHARD DUDLEY, M.D.,**

14 **having been first duly sworn, was examined and**  
15 **testified as follows...**

16 **DIRECT EXAMINATION**

17 **BY MS. STEEGE:**

18 Q. Dr. Dudley, could you give your current occupation?

19 A. I'm a physician with a specialty in psychiatry.

20 Q. Could you describe your education, please.

21 A. I'm having a hard time hearing you.

22 Q. Could you describe your education?

23 A. I'm a graduate of the Temple University School of  
24 Medicine, where I obtained my medical degree in 1972.

25 Following that, I completed an internship and then a residency

1 in psychiatry at the Northwestern University Medical Center in  
2 Chicago, Illinois.

3 Q. Okay. Could you describe your experience with providing  
4 mental health services?

5 A. When I completed my residency, I came to New York, where  
6 I worked for the New York -- what was then called the New York  
7 City Department of Mental Health, Mental Retardation and  
8 Alcoholism Services, initially as a special assistant to the  
9 commissioner and then as a deputy commissioner, where it was  
10 my responsibility to oversee the City's mental health system.

11 And then when I left the department, I became the medical  
12 director of the Washington Heights-West Harlem Community  
13 Mental Health Center, where I opened up and started a  
14 community mental health center that covered the northwest part  
15 of Manhattan.

16 Following that, I worked for Hoffman-La Roche for a  
17 while, and then I went into private practice.

18 And my private practice included a clinical practice, as  
19 a direct provider of services, and a forensic practice, where  
20 I testified as an expert in criminal and civil proceedings  
21 around the country. And I also continue to do some  
22 consulting.

23 Q. And in your practice, have you treated people with  
24 similar diagnoses to what you've seen in Hinds County  
25 detainees?

1 A. In my private practice, I've treated people with similar  
2 diagnoses. And then in the forensic practice, I obviously saw  
3 lots of individuals with similar diagnoses.

4 Q. Now, do you have experience with assessing people's  
5 mental health status and needs when they're in correctional  
6 facilities?

7 A. Yes.

8 Q. Could you talk about that?

9 A. Well, during the course of about 30 years that I  
10 practiced as a forensic psychiatrist, the -- you know,  
11 individuals that I saw were either in jail or in prison, so I  
12 was performing assessments of them within that setting,  
13 simultaneously reviewing their medical records from the  
14 facility as well as other records that they might have, and  
15 talking with them about the care they received inside and  
16 outside the facility.

17 Q. And do you have experience with coordinating mental  
18 health and medical care in a correctional context?

19 A. The -- when I was working for the Department, the New  
20 York City Department of Mental Health, Mental Retardation and  
21 Alcoholism Services, we had to deal with all the services  
22 provided by the Department. And back then the services in the  
23 jail were provided through the Health and Hospitals  
24 Corporation, and so we had to be involved with that.

25 When I left the Department, as I indicated, I started

1 doing some other consulting as well. And so I provided some  
2 training for mental health staff who worked in the jail, I  
3 also provided training for mental health staff that worked in  
4 the juvenile detention facility, and also consulted with the  
5 Department of Juvenile Justice about the condition of mental  
6 health services within the juvenile facilities.

7 Q. And have you served on any boards or commissions to use  
8 this expertise?

9 A. Eventually I served on the Commission on Safety and Abuse  
10 in America's Prisons. It was a bipartisan commission that  
11 looked at a range of safety issues within prisons across the  
12 country, including the provision of health and mental health  
13 services. So we held hearings around the country. We also  
14 visited prisons looking at the delivery of services within  
15 prisons and how that impacted on safety and use and security  
16 issues within facilities.

17 Q. And do you have experience with providing or overseeing  
18 treatment for people with infectious disease?

19 A. Yes. At the outset of the HIV epidemic, I was working at  
20 Lincoln Hospital in the consultation liaison service. And so  
21 we were -- Lincoln Hospital's in the South Bronx of New York.  
22 So we were pretty overwhelmed with HIV-related issues.

23 At that time was when it became clear that HIV was also a  
24 problem within the IV drug use population, and so we were  
25 seeing a lot of cases and addressing it then.

1           Around about the same time, I became involved in other  
2   HIV epidemic-related issues, whether it be in education or the  
3   provision of services. So in sitting on the board, for  
4   example, of Housing Works and sharing the medical board that  
5   oversees our clinical programs at Housing Works, we have the  
6   same sorts of issues.

7   Q.   Now, other than in Hinds County, have you evaluated a  
8   correctional facility's work in planning for discharge and  
9   connecting people with community-based resources and  
10   treatments?

11   A.   Yes.

12   Q.   Could you speak about your work in that respect?

13   A.   In the early 2000s, I started consulting with the  
14   Department of Justice, and so I was doing -- on the  
15   investigation teams for facilities that they were  
16   investigating. And so it was in that context that I begun  
17   participating in these investigations, and then subsequent to  
18   that, I accepted a monitoring position.

19   Q.   I'm sorry. I missed the last part of that sentence.

20   A.   I said subsequent to that I accepted a monitoring  
21   position.

22   Q.   So have these prior consulting obligations included work  
23   in evaluating a correctional facility's work for discharge  
24   planning?

25   A.   Yes.

1 Q. And have they involved evaluating how a correctional  
2 facility was providing mental health services?

3 A. Yes.

4 Q. What kind of work went into doing that evaluation?

5 A. When we're doing the investigations, you mean?

6 Q. Yes. Were there interviews involved?

7 A. I'm sorry. Could you just repeat the question?

8 Q. Sure. When you've been evaluating correctional facility  
9 work in other places as to how they're providing mental health  
10 services, what kinds of resources do you draw on in making  
11 your determinations?

12 A. We look at -- I look at records, various records and  
13 documents. So these could include policies and procedures,  
14 any sort of tracking log and records that they keep, any sort  
15 of internal assessment documents that they might have. I look  
16 at medical records as well. I interview staff who are working  
17 in the facility and get a sense of how they think things are  
18 going and problems and difficulties that they might have. And  
19 I would also interview, depending on the facility, whether  
20 it's detainees or inmates.

21 Q. Other than in Hinds County, you mentioned that you've  
22 served as a monitor elsewhere. Would the kind of evaluation  
23 that you just described from multiple sources also be part of  
24 that monitoring experience?

25 A. Yes.

1 Q. Have you consulted directly with any correctional  
2 facilities on how they can improve their mental health service  
3 delivery system?

4 A. Yes, I have.

5 Q. Could you turn your attention --

6 MS. STEEGE: I'd like to bring up the documents marked  
7 as PX-4, 5, and 6.

8 BY MS. STEEGE:

9 Q. This is the document marked as PX-4. Do you recognize  
10 this document? I'm sorry. And this is the document marked as  
11 PX-5.

12 A. PX-5 is my curriculum vitae, and PX-4 is an addendum that  
13 provides some additional detail about my -- the experiences  
14 that I've had as they relate to correctional services.

15 Q. Okay. Let's turn to --

16 THE COURT: Hold on for one second. We might have an  
17 objection here.

18 MR. SHELSON: No, Your Honor. The opposite. If it  
19 speeds things up, we do not object to the admission of P-4, 5,  
20 and 6.

21 THE COURT: Okay. P-4, 5, and 6 will be received into  
22 evidence.

23 (Plaintiff's Exhibits 4, 5, and 6 entered.)

24 BY MS. STEEGE:

25 Q. Could you please briefly describe your duties and

1 responsibilities on the Hinds County monitoring team?

2 A. On the Hinds County monitoring team, I was initially  
3 brought on as the mental health consultant. And then the  
4 person who was doing the health consulting left the team at a  
5 time when the problems with health services were largely  
6 administrative in nature as opposed to clinical in nature, and  
7 the monitor asked me to continue to work on both.

8 Q. So when did you first tour the Hinds County Detention  
9 Center?

10 A. I believe in January 2018.

11 Q. And since then, up until COVID, have you had about three  
12 visits a year?

13 A. Yes.

14 Q. And each of those visits then leads to a monitoring  
15 report?

16 A. Yes.

17 Q. So that would be, so I'm clear, from spring 2018 till the  
18 present?

19 A. Yes.

20 Q. What's the most recent site visit that you've been on to  
21 evaluate the jail, whether remotely or in person?

22 A. January of this year.

23 Q. When touring in person, what did you do to make your  
24 assessment?

25 A. When touring in person, I would meet with the different



1 staff members and interview and talk with them. I would have  
2 access to the same records and documents that I outlined  
3 before, ranging from logs that keep record of the work that  
4 they're doing; I review medical records that I choose to  
5 review. And when I -- when I was on-site, I also would  
6 interview detainees and do things like go with the nurses on  
7 med pass, things like that.

8 Q. Would you also review incident reports?

9 A. I would review incident reports. The other members of  
10 the team have primary responsibility for that, but incident  
11 reports that involved some sort of medical or mental health  
12 issues are then sorted out and forwarded to me for review.  
13 And then I may also, for those same individuals, look at their  
14 medical records if there were clearly medical or mental health  
15 issues involved.

16 Q. And would your review include the delivery of both  
17 medical care and mental health care?

18 A. Yes.

19 Q. Now, have these tours been remote for you since COVID  
20 started?

21 A. Yes.

22 Q. How have you made your assessment during remote tours?

23 A. I've basically done the same things except for  
24 interviewing detainees.

25 Q. Do you feel that you've had sufficient information to

1 form opinions about compliance, whether through remote or  
2 on-site tours?

3 A. Yes.

4 Q. And are you in contact with the medical and mental health  
5 staff at the jail in between tours?

6 A. On an as-needed basis, yeah.

7 Q. What kinds of issues might that address?

8 A. Well, when we were -- when policies were being developed,  
9 for example, and we were reviewing policies, I might call them  
10 to ask them a question just to confirm that what was in the  
11 policy was something that they were comfortable with, or if  
12 there was some conflict between -- or apparent conflict  
13 between a policy that was being developed and other health and  
14 mental health policies, either at the facility or within the  
15 contractor's policies and procedures, books, and that.  
16 Sometimes if there's an incident that occurs, we get immediate  
17 notifications of those. I have a question, I might contact  
18 them about something like that.

19 Q. You mentioned the contractor. Is that QCHC?

20 A. Yes.

21 Q. Could you just briefly explain QCHC's role at the jail?

22 A. They're a contract provider of medical and mental health  
23 services, and so they provide all of the medical and mental  
24 health staff at the facility to provide those services. They  
25 also have the responsibility for interacting with

1 administration staff at the facility and corrections officers  
2 in any way that are outlined in their policies and procedures.

3 Q. You mentioned the corporate staff. Do you speak with  
4 corporate staff at QCHC as well between site visits?

5 A. Yes, I do.

6 Q. And what kinds of issue might that address?

7 A. I may have similar questions for them. If a question  
8 comes up with regard to their own policies and procedures that  
9 are central to QCHC, I may be contacting them about that.  
10 Sometimes it's simply for an update.

11 We've been doing a lot of working and planning with the  
12 anticipated opening of the mental health unit, so that -- some  
13 of the kind of leadership on that has been out of their  
14 central office. I may contact them about that for an update  
15 on the status of that work. If they send me the reports of  
16 the planning meetings that they've been having, if there's a  
17 question, I may contact them about that.

18 Q. Are you familiar with the consent decree in this case?

19 A. Yes, I am.

20 Q. And are you familiar with the stipulated order?

21 A. Yes.

22 MS. STEEGE: The United States tenders  
23 Dr. Richard Dudley as an expert in jail mental health,  
24 psychiatry/medicine, discharge planning, and hospital and  
25 non-correctional mental health treatment options as provided

1 for in our expert disclosures.

2 THE COURT: Can I get you to repeat those areas,  
3 please.

4 MS. STEEGE: Sure. Jail mental health,  
5 psychiatry/medicine, discharge planning, and hospital and  
6 non-correctional mental health treatment options.

7 THE COURT: Okay. The United States tenders Dr. Dudley  
8 as an expert in the areas of jail mental health,  
9 psychiatry/mental health, discharge planning, and hospital and  
10 non-correction mental health treatment options; is that --

11 MS. STEEGE: Yes.

12 THE COURT: All right.

13 MS. STEEGE: Yes. Thank you.

14 THE COURT: Let me hear from the County.

15 MR. SHELSON: We'd like to voir dire the witness,  
16 Your Honor.

17 THE COURT: Okay.

18 **VOIR DIRE EXAMINATION**

19 **BY MR. SHELSON:**

20 Q. Good afternoon, Dr. Dudley.

21 A. Good afternoon.

22 Q. We haven't met. I'm Jim Shelson, and I represent the  
23 defendants in this case. I just have a few questions for you  
24 at this point. And it's mostly about the areas that you just  
25 heard counsel tender you as an expert in.

1           The first one is jail mental health. What is your  
2 understanding of that field?

3       A. I understand it to be how mental health services are  
4 delivered in jail.

5       Q. You were also tendered in the field of medicine, which  
6 seems pretty broad to me. What is your understanding of the  
7 scope of being tendered as an expert in medicine?

8       A. I mean, I am a physician, but I'm -- I believe that we  
9 were talking about the delivery of services, of medical and  
10 mental health services, delivery systems.

11      Q. You're board certified in psychiatry and neurology,  
12 correct?

13      A. Correct.

14      Q. All right. Are you board certified in any other medical  
15 specialties?

16      A. No.

17      Q. And briefly, what is the field of neurology?

18      A. It's the study of the nervous system and the brain.

19      Q. All right. Doctor, are you qualified to conduct  
20 autopsies?

21      A. No.

22           THE COURT: What was your response, Dr. Dudley?

23           THE WITNESS: No.

24      BY MR. SHELSON:

25      Q. Do you agree that a forensic pathologist is a

1 subspecialist in pathology whose area of special competence is  
2 the examination of persons who die suddenly, unexpectedly, or  
3 violently?

4 A. Yes.

5 Q. Do you agree that the forensic pathologist is an expert  
6 in determining cause and manner of death?

7 A. Yes.

8 Q. Are you a forensic pathologist?

9 A. No.

10 Q. Are you a pathologist?

11 A. No.

12 Q. Lastly, Dr. Dudley, you were tendered in the field of  
13 hospital and non-correctional mental health treatment options.  
14 What does that subject matter mean to you, please?

15 A. It means to me, you know, again, what are the service  
16 delivery systems, whether they be hospital based or community  
17 based.

18 MR. SHELSON: Your Honor, may I respond to the tender?

19 THE COURT: Yes, you may.

20 MR. SHELSON: So, Your Honor, subject to the  
21 defendants' objections stated in the motion to strike, which  
22 is ECF-134, objecting to expert testimony on the grounds  
23 primarily that it was a summary of opinions that were not  
24 adequately disclosed, and maintaining those objections, the  
25 area that we object, of the areas that we object to the

1 tender, is medicine as overly broad, but if it's defined as  
2 how Dr. Dudley defined it, which I believe was the delivery of  
3 mental health services, we do not object to it with that  
4 limitation.

5 And in particular, Your Honor, we want the designation  
6 of medicine to not include determining cause and manner of  
7 death. But, Your Honor, our objection, I think  
8 understandably, is just that medicine is incredibly broad on  
9 its own. And so that's why we're asking for the limitations I  
10 just described.

11 THE COURT: Okay. Thank you.

12 Any response from the United States?

13 MS. STEEGE: Thank you, Your Honor. May I ask  
14 Dr. Dudley a few questions?

15 THE COURT: I'm sorry?

16 MS. STEEGE: May I ask Dr. Dudley a few questions?

17 THE COURT: Yes.

18 **VOIR DIRE EXAMINATION**

19 **BY MS. STEEGE:**

20 Q. Dr. Dudley, do you have experience in evaluating the  
21 delivery of psychiatry and medical services in correctional  
22 facilities?

23 A. Yes.

24 Q. Is this specialized knowledge?

25 A. I believe so.

1 Q. And separate from being the one performing an autopsy, do  
2 you have specialized knowledge as it relates to reviewing  
3 death reports and causes of death in correctional facilities?

4 A. In reviewing those documents?

5 Q. Correct.

6 A. I'm just having trouble hearing you.

7 Q. I'm sorry. Do you have experience with -- separate from  
8 being the one who is doing an autopsy, do you have experience  
9 with reviewing autopsy reports and other documents related to  
10 deaths in correctional facilities?

11 A. Yes. Yes.

12 Q. Would you consider those to be specialized knowledge?

13 A. Yes.

14 MS. STEEGE: Your Honor, I would offer that Dr. Dudley  
15 should be able to testify to the delivery of both psychiatry  
16 and medical services in correctional facilities.

17 THE COURT: I note the defendants' objection.  
18 Dr. Dudley will be allowed to offer his expert testimony on  
19 the areas designated by the United States. I think any  
20 other -- to the extent the -- Hinds County believes that those  
21 matters are broader than what would be necessary, you'll be  
22 allowed to cross-examine the witness on those issues.

23 He's an expert. You may proceed.

24 MS. STEEGE: Thank you, Your Honor.

25 **FURTHER DIRECT EXAMINATION**



1 **BY MS. STEEGE:**

2 Q. Let's start with the big picture here, Dr. Dudley. The  
3 15th monitor's report found sustained compliance with three  
4 and substantial compliance with zero provisions. Do any of  
5 the compliance provisions held -- I'm sorry.

6 Do any of the provisions held in sustained compliance  
7 govern medical or mental health care?

8 A. No.

9 Q. And do you generally agree with the compliance findings  
10 on the medical and mental health provisions of the monitoring  
11 reports?

12 A. Yes.

13 Q. Let's first talk about the jail's work in screening  
14 detainees for mental illness and providing them with  
15 appropriate treatment. And within that, I'd like to first  
16 talk about staffing. You --

17 A. What?

18 Q. Staffing. You testified that you speak with the Hinds  
19 County medical and mental health staff both at the monitoring  
20 visits every few months and between those visits and review  
21 certain records they produce.

22 Could you briefly describe what the medical staff do on a  
23 weekly basis to meet detainees' basic medical needs?

24 A. The medical staff are responsible for the initial  
25 screenings that are done at intake, which are medical and

1 mental health screenings that are done at intake. If there's  
2 someone -- if there's an emergency situation, they handle it  
3 right away or they -- if it's not an emergency, they'll refer  
4 individuals either to the medical care clinic or to mental  
5 health if they identify needs in any of those categories.

6 Then the medical staff also runs what would be in the  
7 community an outpatient clinic, a chronic care clinic, where  
8 they're seeing individuals who have chronic medical conditions  
9 and making sure that they are adequately assessed and managed  
10 in an ongoing way.

11 The medical staff were also responsibility for --  
12 responsible for medication pass, which is the distribution of  
13 medication to all detainees who are taking medication, whether  
14 that's for medical problems or mental health problems.

15 They also handle medical emergencies that come up,  
16 injury, someone becomes acutely ill, or whatever; screen them;  
17 treat them if they're treatable at the facility; send them to  
18 the hospital if they require hospitalization, either for an  
19 assessment or treatment.

20 They also run an infirmary where they'll see -- where  
21 individuals who might need more enhanced attention and  
22 monitoring by the nurses can be housed so that they have  
23 access to that more intense observation and monitoring. These  
24 can be people who are coming back from the hospital or people  
25 who were sick that didn't need hospitalization but they don't

1 want to send them back to the floors.

2 And then the medical staff also has a responsibility for  
3 monitoring individuals who are in special circumstances. So,  
4 for example, individuals who are on suicide watch, they're  
5 responsible for monitoring them. Individuals who are being  
6 held in isolation or segregation, they have a responsibility  
7 for regularly checking and monitoring them as well.

8 Q. And when you refer to the "infirmary," is that also known  
9 as the medical observation unit?

10 A. Yes.

11 Q. Now, we've talked about the medical staff. Could you  
12 briefly describe what the mental health staff need to do each  
13 week to meet the detainees' basic mental health needs?

14 A. The medical -- the mental health staff then do a more  
15 elaborate and in-depth mental health assessment for  
16 individuals who are referred to them from that booking, that  
17 initial nurse's screening that's done at the time of booking.  
18 When an individual's referred to them, they do a more  
19 extensive mental health evaluation.

20 They're also performing such more extensive mental health  
21 assessments on individuals who were not referred to them at  
22 the time of booking but who were later referred to them. And  
23 that could be because they were identified by security staff  
24 or medical staff as possibly in need of mental health  
25 services. Or they may have been self-referred, something has

1     come up for them and they self-refer to be seen by mental  
2     health, at which point there would be an initial mental health  
3     assessment.

4             Once those assessments are performed, they're deemed in  
5     need of mental health services, the mental health staff has to  
6     develop a treatment plan for them and then attempt to provide  
7     them with the services that they require. They're required to  
8     see individuals on the mental health caseload at least once a  
9     month, but they obviously see them a lot more frequently if  
10    the situation is more acute or an individual is in some sort  
11    of crisis or having some sort of difficulty.

12            The mental health staff are also responsible for the  
13    management of suicidal detainees. They have to do suicide  
14    assessments. Those that are placed on suicide watch have to  
15    be seen on a daily basis while they're on suicide watch and  
16    then assessments to remove them from suicide watch.

17            They're also responsible for doing weekly rounds on  
18    everyone who is being housed in segregation to assess their  
19    mental health status and determine whether anyone is in need  
20    of new or additional mental health services or other sorts of  
21    interventions as a result of changes in their mental health  
22    status while being held in -- in segregation.

23    Q.    Now, you talked about urgent situations that might arise  
24    in the medical side. Does that also occur sometimes on the  
25    mental health side?

1 A. Yes.

2 Q. Could you talk a little more about the staff involvement  
3 in providing emergency care?

4 A. On which side?

5 Q. The mental health.

6 A. On the mental health side, they'll be called for  
7 emergencies as well. Sometimes it's by security staff.  
8 Sometimes it's identified by medical staff. Sometimes it's  
9 just identified when they go on the unit. And they will see a  
10 person on an emergency basis when that's indicated. If it's  
11 someone who they already know because they're on the mental  
12 health caseload, that comes into play. But sometimes it's  
13 someone who they haven't had contact with before, and this may  
14 be their initial contact. And so that -- the assessment, of  
15 course, takes much longer when the person is previously  
16 unknown to them.

17 And then they will do whatever's required as an emergency  
18 intervention in the sense of trying to calm the emergency  
19 situation down, provide the individual with whatever support  
20 they need. If medication is indicated, they call immediately  
21 to have a prescriber come and see them as well. So it kind of  
22 depends on the nature of the emergency.

23 Q. Now, do all of these functions require documentation that  
24 they've been done?

25 A. Yes. They are all responsible for entering into the

1 electronic medical record system all of their contact and  
2 involvement with detainees. There are forms for medical  
3 assessments and mental health assessments of different types,  
4 whether it be the prescriber or the qualified mental health  
5 professional or the nurse or the prescriber on the medical  
6 side, so that those evaluations have to be completed when  
7 they're done.

8 When an individual is going to be seen for follow-up,  
9 then all those contacts have to be charted and noted. There  
10 are forms maintained for all the prescriptions that are made.  
11 There are forms the nurses have to complete with regard to  
12 whether individuals took their medications or not. So all of  
13 these activities that we're talking about have to be  
14 documented within the medical record.

15 Q. And is this the kind of documentation that you review in  
16 the course of your monitoring work?

17 A. Yes.

18 Q. Now, do the mental health staff also have regular  
19 meetings?

20 A. Yes.

21 Q. Both within the mental health team but also with other  
22 folks in the jail?

23 A. They have meetings within the mental health team, and  
24 then they also in recent months have been having  
25 interdisciplinary team meetings again with security staff.

1 Q. Okay. So what -- is that also referred to sometimes as  
2 an IDT meeting?

3 A. Yes.

4 Q. In case the acronym comes up.

5 What is an IDT, or interdisciplinary team, meeting?

6 A. It's an opportunity for medical staff, mental health  
7 staff, and senior security staff to meet together to really  
8 talk about overlapping and shared concerns that might come up  
9 and to come up with, you know, options for addressing those  
10 concerns. And so it may be a discussion of problems that  
11 detainees might be having that have been observed by medical  
12 or mental health staff that they have -- it's an opportunity  
13 for them to share some of that information with security staff  
14 and talk about what might be done.

15 They've been using these IDT meetings also to discuss  
16 detainees who are particular management problems, especially  
17 those who have serious mental illnesses that may be less than  
18 fully compliant with their medication regimen and therefore  
19 their symptoms are not really well controlled and so they are  
20 talking -- they use this as an opportunity to talk about  
21 sometimes individual detainees and try to come up with a plan  
22 for how to best manage some of those problems as well.

23 Q. Now, separate from having the meeting, what is the goal  
24 of having IDT meetings?

25 A. Well, the -- I mean, obviously you have a medical and

1 mental health staff within a facility because people need  
2 medical and mental health services, so that, you know, first  
3 and foremost, they're a provider of those medical and mental  
4 health services. The -- however, the provision of adequate  
5 medical and mental health services is also something that  
6 contributes to the overall safety and security within the  
7 facility. And so the -- maintaining a -- developing and  
8 maintaining a good working relationship between medical and  
9 mental health staff and security staff is what's required to  
10 obtain that benefit, having medical and mental health staff  
11 contribute to the overall safety and security of the facility.

12 And so that through the IDT meetings, you hope to develop  
13 that sort of working relationship at the most senior level and  
14 then hope that that begins to impact on the larger culture of  
15 the facility and eventually develop that sort of cooperative  
16 working relationship with front-line officers and medical as  
17 well.

18 Q. Separate from having that cooperative working  
19 relationship at the upper levels, are there concrete steps  
20 that would need to be taken in order to help operationalize  
21 that at lower levels?

22 A. The -- well, what you hope is that the senior staff,  
23 recognizing the importance of this, you know, as they  
24 supervise those under them, that they instill that kind of  
25 change of culture as part of their supervision.



1           In the course of the meeting, the IDT meetings, I think  
2           you also have an opportunity to determine whether there's  
3           specific more formal procedures that you might want to put  
4           into place to facilitate that as well. So it's a combination  
5           of identifying any formal procedures that you might want to  
6           identify and use supervision and monitoring of the senior  
7           staff impact on the culture, so --

8           Q.    When you mention "specific more formal procedures," could  
9           you give an example of that?

10          A.    Well, the IDT meetings, for example, happen on a weekly  
11          basis, but there are times when you don't want to wait for an  
12          IDT meeting to discuss a problematic inmate. So, for example,  
13          if mental health staff become aware of the fact that a  
14          particular inmate is deteriorating and they're trying to see  
15          them more frequently and it would be helpful if security staff  
16          could keep an eye on them, the -- you would want the  
17          front-line security staff and the mental health staff  
18          communicating in such a way so that they can work that out  
19          together.

20          And I guess what I'm saying is that it's up to senior  
21          security staff to determine how is the best way for that to  
22          happen. Do they really give the -- at what level do the  
23          front-line security staff have the ability to make those  
24          decisions about how they can be helpful? In what situations  
25          should that be taken to a supervisor? You know, which things

1     require kind of formalized mechanisms and which things can be  
2     done -- worked out between an officer and medical or mental  
3     health.

4     Q.    And I'll ask some more questions later about the medical  
5     and mental health security coordination.  But I wanted to ask  
6     a bit more about the work that's done currently by mental  
7     health staff.

8            You listed a whole bunch of different activities.  Do any  
9     of those activities include work to run a mental health unit?

10    A.    No.

11    Q.    And does mental health staff currently have a role in  
12    reviewing disciplinary decisions for people who are on the  
13    mental health caseload?

14    A.    No.

15    Q.    Are those two functions required under the consent  
16    decree?

17    A.    Yes.

18    Q.    Now, you said --

19            THE COURT:  Hold it.

20            MR. SHELSON:  Your Honor, we move to strike the answer  
21    if he's not going to identify what paragraph of the consent  
22    decree he's alluding to.

23            THE COURT:  Okay.  Could you point him to it.

24            MS. STEEGE:  If we could bring up PX-1, please.  And  
25    let's go forward to -- I believe it's page 11.  Page 12.

1 I apologize, Your Honor. If you'll give me a second.

2 THE COURT: No problem.

3 MS. STEEGE: If we could turn to the next page. And to  
4 the next. I apologize. We'll move on shortly. Next one.

5 BY MS. STEEGE:

6 Q. If you could look, Dr. Dudley, and sort of -- the very  
7 top part that's cut off a bit that refers to providing  
8 prisoners with appropriate treatments and therapeutic housing.  
9 Has that provision 42(g) on therapeutic housing been  
10 interpreted by the parties to mean building a mental health  
11 unit?

12 A. Yes.

13 MR. SHELSON: Object to Dr. Dudley answering how both  
14 parties interpret that provision, Your Honor. Dr. Dudley  
15 can't --

16 THE COURT: What provision is it?

17 MS. STEEGE: 42(g).

18 THE COURT: I'm sorry. The highlighted portion?

19 MS. STEEGE: Correct.

20 MR. SHELSON: My point, Your Honor, is Dr. --

21 THE COURT: Hold on.

22 MR. SHELSON: Yes, sir.

23 THE COURT: Can I see that full sentence, that full --  
24 is there a paragraph 6? Is that it?

25 MS. STEEGE: Yes, that's correct.

1 THE COURT: I tell you what. I'll pull it up here.  
2 What exhibit -- is this 8-1?

3 MS. STEEGE: Correct.

4 THE COURT: Hold on.

5 MS. STEEGE: It's also been marked as Plaintiff's -- it  
6 is on the docket as CM/ECF-8-1. It's also been marked as  
7 Plaintiff's Exhibit 1, whichever is easier.

8 THE COURT: Okay. Now, now that I've seen 8-1 -- I'm  
9 looking at the docket entry 8-1, paragraph 4(a) --

10 MR. SHELSON: Your Honor, it's 42 --

11 MS. STEEGE: 42(g), part 6.

12 MR. SHELSON: 42(g)(6).

13 THE COURT: 42(g)(6). Okay. So what was your specific  
14 question to Dr. Dudley about that, if you recall? If you  
15 could tell me.

16 MS. STEEGE: Well, first I had asked about whether the  
17 mental health staff's current work includes any role in  
18 reviewing disciplinary decisions for people who are on the  
19 mental health caseload.

20 THE COURT: And no; his answer was no?

21 MS. STEEGE: And then was asking if those two  
22 functions, building the mental health unit and reviewing  
23 disciplinary decisions for people on -- well, having mental  
24 health have a role in reviewing disciplinary decisions for  
25 people on the mental health caseload were required under the

1 consent decree.

2 THE COURT: Now, what's the basis for your objection,  
3 Mr. Shelson?

4 MR. SHELSON: Your Honor, I apologize if I  
5 misunderstood the question, but I thought the question was to  
6 the effect of how do the parties interpret. And if that  
7 wasn't the question, again, I apologize, but if that was the  
8 question, I object to Dr. Dudley answering for how the  
9 defendants interpret any provision in this consent decree.

10 THE COURT: Okay. That objection is sustained as to  
11 how the County may have interpreted. However, how did the  
12 parties proceed under that consent decree in the monthly  
13 visits or whatever, I think you certainly can ask that  
14 question.

15 BY MS. STEEGE:

16 Q. Dr. Dudley, in your work evaluating compliance under  
17 consent decree paragraph 42(g), has that included evaluating  
18 the defendants' progress on building a mental health unit?

19 A. Yes.

20 Q. Now, I'd like to look at some other functions that the  
21 mental health staff currently do and hear a little more about  
22 that.

23 You testified that the mental health staff currently are  
24 able to -- well, that they aim to see people on the mental  
25 health caseload monthly. Are they actually able to do that?

1 A. No.

2 Q. Could you speak more on the frequency that they're  
3 actually able to see detainees who are on the mental health  
4 caseload?

5 A. Well, there had been two qualified mental health  
6 professionals, and they recently obtained approval for a third  
7 one. And they were -- at the time of my last conversation,  
8 they were interviewing for that third person.

9 There are a little over 200 people on the mental health  
10 caseload. The -- and so that's a lot of people to see.

11 Q. I'm sorry. I can't hear you, Dr. Dudley. It looks like  
12 you're speaking.

13 Dr. Dudley?

14 THE COURT: Hold on, Dr. Dudley.

15 MS. STEEGE: I'm not sure if he can hear or see me  
16 right now.

17 MR. MORISANI: You want to show it to him?

18 THE COURT: He can't see that.

19 MS. STEEGE: Valiant effort. I mean, I literally was  
20 doing like this, yeah.

21 THE COURT: Could you put the camera on me?

22 THE REPORTER: Judge, do you want to go off the record?

23 THE COURT: Yes.

24 (An off-the-record discussion was held.)

25 MS. STEEGE: Dr. Dudley, can you hear and see me?

1 THE WITNESS: I can talk a little louder, though.

2 MS. STEEGE: Can you hear and see me?

3 THE WITNESS: Yes.

4 MS. STEEGE: And without echo?

5 THE WITNESS: Yes.

6 MS. STEEGE: Excellent. All right.

7 THE COURT: You might want to maintain a position very  
8 close to the mike like this, because your voice does fade away  
9 pretty quickly.

10 THE WITNESS: Now you're back on the screen.

11 MS. STEEGE: Now I'm back where?

12 THE WITNESS: You're on the screen.

13 MS. STEEGE: Excellent. Now, I was getting some  
14 feedback just now.

15 THE COURT: I just turned off my mike.

16 MS. STEEGE: Can you try again does that produce  
17 feedback?

18 THE WITNESS: Am I supposed to be on the phone or on  
19 the computer?

20 THE COURT: Stay on the phone.

21 MS. STEEGE: Well, we can see you. Please stay on the  
22 phone. We can still see you and hear you at this point. Are  
23 you okay with the sound and video on your end?

24 THE WITNESS: Yes.

25 MS. STEEGE: Okay. Well, I'm not getting any feedback.

1 THE WITNESS: You want me to use the phone for the  
2 audio?

3 MS. STEEGE: Let's stick with that. Yeah. I'm getting  
4 some nods over here. All right. So, yeah, I'm not getting  
5 feedback at this point here. Are you okay there as well?

6 THE WITNESS: Yes, I am.

7 MS. STEEGE: Okay. Thanks for everyone's patience  
8 here. Technology is an adventure sometimes.

9 All right. I think we're ready to proceed.

10 THE COURT: You may proceed. I'm sorry.

11 MS. STEEGE: Thank you.

12 BY MS. STEEGE:

13 Q. So I'd like to continue reviewing some of the functions  
14 of the mental health staff. Of the functions that they  
15 currently do, are they able to do that at the level of  
16 frequency and intensity that is required to meet detainees'  
17 mental health needs?

18 A. No.

19 Q. What are some of the functions that they would need to be  
20 doing either at a greater level of frequency or intensity?

21 A. They're unable to see detainees as frequently as they  
22 would like to, and so what happens, for example, is that a  
23 detainee who has not yet developed insight and understanding  
24 of the fact of their need for medication may use medication  
25 for a couple of days after you see them, but then they can't



1 get back to see them again and the detainee stops taking the  
2 medication and they start to deteriorate again.

3 So the frequency with which they would need to see some  
4 of the detainees is not possible because they are too busy  
5 handling even more urgent situations, like suicide watch or  
6 intake or the reviews, for example, of individuals who are on  
7 segregation.

8 They haven't been able to develop any sort of group  
9 programs at all because there hasn't been time for that. And  
10 so some of the things that they want to do and there's a need  
11 to do, such as psychoeducation and the discharge planning  
12 group that would increase the possibility that individuals  
13 would follow up with outpatient services when they're  
14 released, as opposed to what happens now where they kind of go  
15 out, drop them, and they end up being -- you know, being sick  
16 again and end up being rearrested. So they're not able to do  
17 things like that.

18 Q. I think that the sound is coming through, but if you  
19 wouldn't mind slowing down a bit in speaking and just make  
20 sure that your hand is -- yeah, there you go -- not over the  
21 speaker.

22 And I'll ask some further questions later on some of the  
23 items that you brought up. But I first wanted to clarify.

24 So how many detainees are currently on the mental health  
25 caseload?

1 A. At last count, it was 202.

2 Q. And could you just give us a general sense of how they're  
3 doing? Are they -- at what level -- what percentage of them,  
4 roughly speaking, have serious mental illness?

5 A. Virtually all of them. There's only a handful of people  
6 who are on the mental health caseload at this point due to  
7 some kind of short-term crisis. Everyone else has a serious  
8 mental illness.

9 Q. Okay. And could you just clarify. What level of mental  
10 health staffing do they currently have?

11 A. As I indicated, there have been -- there have been two  
12 qualified mental health professionals, and they've recently  
13 received approval for and are interviewing for a third. One  
14 of the two existing positions is vacant, so they're actually  
15 interviewing to refill that position and then for a third  
16 position. And there is a psychiatric nurse practitioner who's  
17 full time and who became full time on January 1st, had been  
18 part time prior to that, and she is the prescriber.

19 Q. Okay. Now, we've briefly touched on a couple things that  
20 they're not currently doing, the mental health -- anything  
21 related to the mental health unit and reviewing disciplinary  
22 decisions for people on the mental health caseload.

23 If we're just looking at what they're currently doing, do  
24 they have enough staff to be able to do that?

25 A. No. Well, what they're currently supposed to be doing?

1 Q. Correct.

2 A. Or trying to do?

3 Q. Correct.

4 A. No.

5 Q. Could you speak more about that?

6 A. The -- you know, if you look -- if you just count hours,  
7 like, it would be the hours that they spend seeing  
8 individuals -- an individual; the hours that they spend doing  
9 intake assessments; the hours that they spend monitoring --  
10 doing suicide watch assessments and monitoring people on  
11 suicide; the hours that they spend going to all the isolation  
12 and segregation units that they need to do segregation rounds.  
13 And then on top of that they have emergencies or urgent  
14 situations that come up where they have to kind of drop  
15 everything else and see those individuals. There's just --  
16 the -- when you add up all of those hours of work on a weekly  
17 basis, that's much more hours than three people can provide.

18 Q. Now, does this --

19 A. And like I said, they're not even doing some things that  
20 they know they need and want to do, like certain sets of  
21 groups that they want to do.

22 Q. And we'll get more into those groups later.

23 Have you previously recommended that Hinds County hire  
24 more mental health staff?

25 A. Yes.

1 Q. When was the first time that you made that  
2 recommendation?

3 A. At least in 2000 -- the end of 2018, the beginning of  
4 2019.

5 Q. And what have you recommended over that time?

6 A. Pardon?

7 Q. What have your recommendations been during that time?

8 A. I had indicated that they needed at least two additional  
9 qualified mental health professionals and that they should  
10 expand the time of the psychiatric nurse practitioner.

11 Q. And just to clarify, what is that two additional over --  
12 what is the baseline when you're talking about those two  
13 additional --

14 A. That was when they had two. They had two already, and I  
15 was recommending that they bring in two more.

16 Q. Okay. And since you first started recommending that they  
17 have four total qualified mental health professionals, or  
18 QMHPs, on staff, has the mental health caseload changed?

19 A. Yes.

20 Q. How has it changed?

21 A. It's continued to grow.

22 Q. Now, you've talked about the increase in the mental  
23 health caseload in the jail. In your experience, what other  
24 settings can provide treatment to people with serious mental  
25 illness?

1 A. You mean any individuals with serious mental illness?

2 Q. Other than jails, would hospitals, for example, provide  
3 treatment to people with --

4 A. Yes. Hospitals; a variety of outpatient clinic settings;  
5 and then there's in between, kind of a residential treatment  
6 sort of setting as well.

7 Q. Are there methods that can be used to divert people with  
8 mental illness from a jail setting?

9 A. In jurisdictions that have mental health courts or  
10 diversion programs for people with serious mental illness,  
11 they -- they very often divert seriously mentally ill people  
12 from jail into those services.

13 Q. Now, in your work in other states, have you seen some of  
14 these other services that are available in situations that  
15 instead lead to jail time for people in Hinds County?

16 A. Yes.

17 Q. And if those options are inadequate to meet the needs of  
18 people with serious mental illness, does that affect the  
19 jail's mental health caseload?

20 A. It's going to bump up the caseload. Yes.

21 Q. In your experience, is it important for a correctional  
22 facility to have a discharge planning program to prepare  
23 people to use community-based resources when they're released?

24 A. Yes.

25 Q. Why is that?

1 A. The -- I mean, what you hope to do during the period of  
2 time they're in jail is to stabilize them and to help them  
3 come to appreciate their need to continue in treatment upon  
4 their release and to appreciate what their roles and  
5 responsibilities are for seeing that they continue in  
6 treatment upon their release. And that's all a part of  
7 discharge planning. You know, you're trying to prepare people  
8 to be released.

9 Also, you are trying to link them up in some meaningful  
10 way with a community-based provider so that -- to increase the  
11 possibility that they will actually follow through with  
12 appointments that you may have made for them and thereby  
13 receive the outpatient treatment that they need to remain  
14 stable instead of going out, not doing anything, their mental  
15 health status deteriorating again. And then they end up  
16 getting in trouble again and rearrested.

17 Q. So is just giving someone an appointment when they're  
18 released from jail enough to make that connection happen?

19 A. No.

20 Q. Why not?

21 A. The -- well, first of all, if a person doesn't have any  
22 appreciation of their need for treatment, there's no reason to  
23 comply with the appointment. But then, you know, you also  
24 have people who -- you know, this is a population that is more  
25 likely to follow up if you could develop a program where they

1 have some sort of knowledge of where they're going and in the  
2 best of all possible worlds have had some sort of contact with  
3 who they're going to, which then makes them more comfortable  
4 following up.

5 Q. Okay. And is it important for people to be released from  
6 a correctional facility with those community-based resources  
7 already lined up?

8 A. Yes.

9 Q. I think you've touched on this, but in your experience,  
10 what happens if people are released without these resources or  
11 without being ready to use them?

12 A. Then they won't take advantage of them and they then go  
13 untreated.

14 Q. And what -- in your experience, what can happen if folks  
15 are released from jail, go untreated for mental illness, and  
16 are then back in the community without such resources?

17 A. You know, their mental health status deteriorates again,  
18 and they're subject to get into the same sorts of difficulties  
19 that had them arrested in the first place.

20 Q. Okay. Let's talk about the impact of staffing on  
21 programs. In the Hinds County Detention Center, does the  
22 number of the medical and mental health staff overall affect  
23 their ability to prepare detainees to use these  
24 community-based resources once released?

25 A. I'm sorry. Could you repeat that?

1 Q. Sure. You've described the role in some ways of  
2 discharge planning in terms of preparing folks to then be  
3 released into the community. In Hinds County Detention  
4 Center, focusing here, does the number of medical and mental  
5 health staff overall affect their ability to prepare detainees  
6 to use community-based resources once they're released?

7 A. Well, there's a discharge nurse position. And the  
8 discharge nurse would be kind of responsible for coordinating  
9 the discharge planning process. But that nurse cannot provide  
10 all of the kind of preparatory work that would be part of the  
11 discharge planning process; for example, the psychoeducation  
12 groups or the medication education groups that would be part  
13 of the -- of launching a discharge effort.

14 That would have to be performed by other staff. And as I  
15 indicated earlier, there's not enough mental health staff for  
16 them to even have begun to develop a group therapy program of  
17 any type, including those groups that would be focused on  
18 discharge planning.

19 Q. Okay. So I'm going to ask a bit more about those groups  
20 in a moment.

21 But first, just to clarify, in the last year, has Hinds  
22 County consistently had someone in place as a discharge  
23 planner to be able to facilitate referrals to community-based  
24 resources?

25 A. No.



1 Q. Do they currently have someone in that job?

2 A. At the time of the site visit, there was no one in that  
3 job, but they were looking to replace the discharge planning  
4 nurse who had left.

5 Q. Has there been some turnover in that position?

6 A. Yes.

7 Q. Does that turnover affect someone's ability to facilitate  
8 referrals as that job would require?

9 A. It makes it more difficult in that the discharge planning  
10 nurse is the one who has the contacts with community-based  
11 providers of all types and not only knows who the  
12 community-based providers are, the organizations, the clinics,  
13 the programs. But, you know, that nurse also develops a real  
14 working relationship with each of those providers so that she  
15 can make a call and facilitate getting someone who is expected  
16 to be released into the program, making appointments, and so  
17 those working relationships are important. And so, you know,  
18 when there's turnover, there's a setback, and that has to  
19 be -- those working relationships have to be reestablished  
20 with a new person.

21 Q. Now, you mentioned psychoeducation groups. Could you  
22 explain how those psychoeducation groups would meet detainees'  
23 serious mental health needs?

24 A. You know, for many with serious mental illness, by  
25 definition they don't have insight or understanding of the

1 fact that they have a mental illness that impairs their  
2 ability to function in significant ways and may be  
3 contributing to how they found themselves in the Hinds County  
4 Detention Center. And so that -- and this is true in any  
5 mental health program, not just within a jail.

6 An important part of providing treatment is helping  
7 individuals to increase their insight and understanding into  
8 the nature of their illness and that it's an illness that can  
9 be treated and managed if they responsibly participate in  
10 that. And nobody takes medication, nobody goes to treatment  
11 if they don't understand that they have an illness that can be  
12 treated and it's to their benefit to have it treated.

13 And so that these sorts of group programs are focused on  
14 that educational process. It's been pretty well demonstrated  
15 that that's best done in a group setting. I mean, even though  
16 your individual -- in the individual sessions, something like  
17 that would be brought up, but being in a group with others who  
18 have similar needs and experiences helps to reinforce that  
19 message.

20 Q. Okay. So you've described groups that would educate  
21 people about the importance of taking medication. How is this  
22 different from what the prescriber currently does?

23 A. Well, what the prescriber currently -- to -- for people  
24 who are on medication, you know, the prescriber sees them  
25 every couple months to renew their medication unless something

1 comes up, right? And so for somebody who you're trying to  
2 help to gain some appreciation and understanding of their need  
3 for medication and they're not there yet, you know, these  
4 groups would be something that would meet every week; right?  
5 And so it's a much more intensive effort to educate people and  
6 impact on their health care behavior.

7 Q. So if someone is taking medication for just a couple days  
8 in a row, is that enough to then stabilize them?

9 A. No. Most of the psychoactive medications, you know,  
10 take -- you have to be on them for a while for them to be able  
11 to have an effect. And so that if somebody takes them for  
12 four or five days and then doesn't take them for two or three  
13 weeks, sees the provider again, may take them for a couple  
14 days, that's really not doing much of anything.

15 Q. And have you seen that pattern, in terms of folks taking  
16 prescription medication for a couple days and then falling  
17 off, have you seen that pattern in the records that you've  
18 reviewed in Hinds County?

19 A. Yes.

20 Q. So you've described the importance of discharge planning  
21 groups and these psychoeducational groups. When the jail is  
22 not currently providing these groups, does that create a  
23 substantial risk of serious harm to detainees?

24 A. It presents a potential risk of harm because people are  
25 off their medications. People who need to have medication in

1 order to manage their behavior are not consistently taking it,  
2 and not even consistently taking it enough for it to have a  
3 real effect.

4 Q. I'm sorry. Could you repeat that a little bit slower?

5 A. I said they're not consistently taking their medication  
6 and not even consistently taking it enough for it to have a  
7 real effect.

8 Q. And what is the impact on detainees themselves when they  
9 have prescription psychiatric medication that they're not  
10 taking consistently?

11 A. Well, it depends on the specific serious mental illness  
12 that they're suffering from, but those who have -- we have  
13 individuals in the jail who have various types of psychotic  
14 disorders. And so in that case their symptoms might return.  
15 They may hear voices. They may get paranoid. And those sorts  
16 of paranoid thoughts, of course, are going to make their  
17 interaction with others in the facility -- complicate their  
18 interaction with other inmates or staff in the facility.  
19 There are those who have major mood disorders, and so if they  
20 go off their medication, they may be manicky or hyperactive or  
21 overreactive in some sort of a way, which then results in  
22 behavioral problems and there may be conflicts with other  
23 detainees or with staff.

24 Q. So do those conflicts create a risk in terms of safety or  
25 security as well?

1 A. For themselves, for other detainees, as well as the  
2 staff.

3 Q. Okay. Let's turn to other aspects of mental health work.  
4 Does the number of mental health staff affect how often they  
5 can provide individual therapy to detainees?

6 A. Yes.

7 Q. What does that affect?

8 A. Like I said, I mean, they have an intent to see them.  
9 It's just that all the emergency things that they have to do  
10 that are more urgent end up taking precedent. And so they  
11 don't get to see individuals who -- as frequently as they want  
12 to.

13 Q. Have you made any findings about the impact on detainees  
14 of not being seen for therapy as often as they should be?

15 A. Different things happen. Like I said, sometimes they go  
16 off their medication. Sometimes they'll put in a sick call  
17 because they haven't been seen and so they'll put in a sick  
18 call to kind of precipitate an appointment. If they go off  
19 their medication, they may have some difficulties. So it,  
20 again, depends on the nature of the mental illness itself.  
21 But these different sorts of problems can and do occur.

22 Q. Now, have you seen Hinds County take steps to adequately  
23 fund the level of mental health staff that is necessary to  
24 meet detainees' mental health needs?

25 A. As I indicated, there's -- the psychiatric nurse

1 practitioner's time was expanded from half time to full time,  
2 and that was really great. They added one qualified mental  
3 health professional's position, which brings the total  
4 positions up to three. So they -- I think that steps have  
5 been taken.

6 A full appreciation for how much work the mental health  
7 staff is being asked to do I think is lacking and so that,  
8 hence, maybe not fully appreciating the need for more staff.  
9 And that's, again, without the opening of the mental health  
10 unit, which is going to then be a separate set of demands.

11 Q. Okay. Let's turn to the effect of correctional staffing  
12 on medical and mental health care, and I'd like first to look  
13 at the correctional staffing in the housing units themselves.

14 When medical and mental health staff go out to the  
15 housing units to distribute medication for med pass or to  
16 provide care otherwise, is it important for them to go with  
17 security staff?

18 A. Yes.

19 Q. Why is that?

20 A. It's a matter of safety and security for the medical and  
21 mental health staff.

22 Q. And have there been issues when there was lack of  
23 correctional staffing for the medical and mental health staff?

24 A. Yes. I mean, there's the -- there's not always security  
25 staff available.

1 Q. Okay. You mentioned it's a safety issue. Can you  
2 describe that in more detail? Why is there a safety issue  
3 when there's not correctional officers available to go with  
4 the medical and mental health staff?

5 A. Well, when they go in the -- I mean, the mental health  
6 staff, you know, frequently -- and the medical staff as well,  
7 they frequently go to a unit to provide a service, either to  
8 see someone or to handle an emergency or whatever. The -- you  
9 know, ideally you want to bring people out, depending on what  
10 it is that you have to do to see them.

11 Q. I'm sorry. When you say "bring people out," what does  
12 that mean?

13 A. Out of their cell to see them. But the issue is that  
14 there needs to be security staff, so whatever it is that  
15 they're doing, I mean, it can be done safely.

16 Q. So are the medical and mental health staff consistently  
17 able to bring detainees out of their cells to provide care  
18 now?

19 A. Usually not.

20 Q. And what kind of care are they providing at the cell  
21 door?

22 A. So the mental health staff will see someone at the door  
23 and try to talk with them through the door.

24 Q. Okay. And we'll talk more about that as well. And  
25 that's true for the mental health staff. Are the nurses doing

1 med pass through the door? How does that work?

2 A. The nurses are doing med pass at the entrance to the  
3 pods. So they're doing it the way they would normally do it,  
4 through a gate. It's just that security staff are required to  
5 have that done in an orderly fashion and to make sure people  
6 come out for their medication and receive the medication and  
7 actually take the medication.

8 Q. So what is the correctional officer's role during that  
9 process?

10 A. Is to, you know, maintain order. You know, when the  
11 nurse comes through the unit, she has a lot of medication to  
12 pass. She may have to take a needle stick for a diabetic. I  
13 mean, she has all sorts of things that she may need to do.  
14 And so that having the -- maintaining order among the  
15 detainees who are waiting for their medication, making sure  
16 that they've gotten out of bed and come down to get it, you  
17 know, all of that becomes the responsibility of the officers  
18 on the unit, while at the same time someone is staying with  
19 the nurse for that -- security purposes, you know, the cart,  
20 the medication cart with medication and with needles and other  
21 things on it. So, you know, security is making sure that that  
22 remains -- that the nurse and her cart remain safe and secure.

23 Q. Is this a new problem in terms of --

24 A. And that she's not, you know, otherwise harassed or...

25 Q. Has this issue that -- you're describing an issue of



1 having adequate correctional staff to support medication pass.

2 Is this a new issue?

3 A. No.

4 Q. How long has this been a problem in the jail?

5 A. Well, I know it's been a problem as long as I've been  
6 there.

7 Q. And just so we recollect, that was 2018?

8 A. Yes.

9 Q. Okay. Has Hinds County taken any steps to increase  
10 security officer availability for this?

11 A. I mean, recently there was a plan to assign sergeants to  
12 go on med pass with the nurses to ensure that at least someone  
13 was with the nurses. But I think that the shortage was so  
14 great that they were periodically pulled away from that  
15 responsibility, so it continues to be a challenge.

16 Q. Okay. And does that continue through the January site  
17 visit this year?

18 A. Yes.

19 Q. Is this an issue in segregation units as well as on the  
20 regular housing units?

21 A. On the segregation unit, it's different because the  
22 nurses actually have to go cell to cell to give the medication  
23 as opposed to the detainees coming to the gate to receive  
24 their medication. And so the availability of security staff  
25 to actually take them on the unit and go cell to cell is a

1 somewhat different level of involvement.

2 Q. Okay. And what happens if the nurses are not able to go  
3 door to door in segregation to provide medication?

4 A. Then medication pass gets postponed.

5 Q. Does that result in a delay in care for the detainees who  
6 are housed there?

7 A. Yes.

8 Q. You talked about the role of correctional officers on the  
9 pods in helping get folks out of their cells to take  
10 medication. What happens if someone refuses to take their  
11 medication?

12 A. If someone refuses to take their medication, they're  
13 supposed to still come down to see the nurse. There's a  
14 medication refusal form that they're supposed to sign and --  
15 to document that they refused to take their medication as  
16 opposed to that they've just slept through the medication pass  
17 or weren't called or didn't feel like getting up or whatever.  
18 But it also gives the nurse an opportunity to lay eyes on them  
19 so that the nurse has an opportunity to see, you know, how  
20 they're doing.

21 Q. Okay. Now, when -- you've talked about med pass. When  
22 mental health staff go on the housing units, are they able to  
23 provide initial assessments or therapy to detainees in a  
24 private location?

25 A. Usually not.

1 Q. Could you describe where they're providing treatment to  
2 detainees?

3 A. Mostly at the door.

4 Q. I'm sorry?

5 A. At the door to their cell.

6 Q. Okay. So are other people nearby in that scenario?

7 A. It depends on the availability of corrections officers  
8 and their ability to keep other people away. You're talking  
9 through a door, so it's not necessarily as private and  
10 certainly as comfortable as would be ideal to perform a mental  
11 health assessment.

12 Q. So is there an impact on the likely efficacy of that  
13 assessment by virtue of having to have it at the cell door?

14 A. Well, I think two things happen. They -- there's the  
15 issue of some detainees simply refusing to do that. And we've  
16 been looking at that because there have been detainees who  
17 refuse to even have an assessment under those circumstances.  
18 And when they would arrange to bring them out of their cells  
19 and move them down to medicine -- to the medical unit for the  
20 assessment, they've been more successful. But then some who  
21 do go forward are not necessarily comfortable enough to  
22 provide all the information that's required to adequately  
23 complete a mental health assessment.

24 Q. And is there an impact on detainees who are unable to  
25 complete that first assessment in a timely way?

1 A. Well, if no assessment is done, then, you know, it's  
2 difficult to initiate treatment because you don't know what  
3 you're really treating. So there could be a delay in the  
4 initiation of treatment because of problems obtaining an  
5 adequate mental health assessment.

6 Q. And does that delay in obtaining an initial mental health  
7 assessment create a risk of harm to detainees?

8 A. Certainly if people go untreated. I mean, there are  
9 people who -- I mean, what they try to do is that if a person  
10 was, for example, recently treated at one of the outpatient  
11 clinics, I think they attempt to get the records so that they  
12 can see what medication a person might be on. And that's  
13 often helpful because sometimes people say they're on  
14 medication but they don't know what medication they're on.  
15 And so that, you know, you can make some clinical judgment as  
16 to whether you want to initiate something that they've been on  
17 before until you can get a more complete mental health  
18 assessment, but that's not always possible.

19 Q. I'm sorry. What was the last?

20 A. But getting those records is not always possible.

21 Q. Okay.

22 A. And getting them in a timely way as an alternative.

23 Q. Okay. Now, do security staff consistently bring  
24 detainees from the housing units to the medical units for  
25 these clinical assessments or therapy?

1 A. They're not always able to do that.

2 Q. Can you talk more about that?

3 A. Well, there's two levels of issues. One is that, you  
4 know, medical and mental health will send to the unit, you  
5 know, who has appointments today. And so the security staff  
6 from the unit have to make sure that those individuals are up  
7 and ready and dressed and ready to go down at the appointed  
8 hour. And then someone has to go with them to transport them  
9 from the unit down to medical, and then someone has to be in  
10 medical with them to cover the security needs there.

11 And, you know, with the shortage of security staff  
12 somewhere in that chain can break down. You know, someone  
13 will go up to get them and they're not ready or they'll get  
14 ready and there's nobody to transport them, and then you face  
15 the question of is the person going to leave the unit to take  
16 them down to medical? Is somebody going to come from medical  
17 to pick them up? So any step in that process can become a  
18 problem.

19 Q. You described a multistep process for security staff  
20 necessary to get detainees down to medical units for clinical  
21 assessments and therapy. Can you give a ballpark sense of how  
22 often that process works?

23 A. Well, during -- in between -- I guess it was before the  
24 last site visit, not this January one, I had asked the medical  
25 and mental health staff to just keep a log of times when there

1 were significant delays or things were canceled or postponed  
2 as a result of just not having enough security staff support.  
3 And it was a really big problem in the evenings and on the  
4 weekends. But even during the week, there were several days  
5 each week where there would be inadequate coverage either in  
6 medical or to deal with the transport or to deal with  
7 preparing people on the unit to come down to medical.

8 Q. And do they sometimes schedule medical or mental health  
9 appointments in the medical unit in the evenings or on  
10 weekends?

11 A. Yes. And there's a med pass in the evening.

12 Q. I'm sorry?

13 A. And there's a med pass in the evening.

14 Q. One more time.

15 A. And there is a medical pass. One of the medical passes  
16 is in the evening.

17 Q. Okay.

18 A. I understand that's also a demand for security time.

19 MS. STEEGE: I'd like to bring up PX-42.

20 THE COURT: Hold on. Before we --

21 MS. STEEGE: Sure.

22 THE COURT: How much longer do you think you'll be?

23 I'm not trying to rush you. This might be a good breaking  
24 point. I mean, it's at the very end of the day for everybody.

25 MS. STEEGE: There is a bit left.

1 THE COURT: A bit left?

2 MS. STEEGE: Quite a bit.

3 THE COURT: Okay. All right. Dr. Dudley, we're going  
4 to end your testimony at this point. It is only 5:30 here,  
5 and I think you're on the East Coast. So it's 6:30 where you  
6 are. So we're going to start back up tomorrow, and they're  
7 going to continue with your testimony tomorrow morning.

8 Will we be prepared to resume at 9:00 a.m.?

9 MS. STEEGE: I would suggest, if possible, if we could  
10 reconvene with Dr. Dudley a bit earlier to try to iron out any  
11 tech issues in advance.

12 MR. ANDERSON: We didn't hear that, Your Honor.

13 THE COURT: No, no. She wants to try to get with him a  
14 little bit early to make sure we have the technical issues  
15 tied up. We hope to start at 9:00, so that means my staff and  
16 the technical people will be here a little bit before then to  
17 try to make sure that we get things wound up, ironed out.

18 MS. STEEGE: Thank you, Your Honor.

19 THE COURT: But, yeah, this is the prime opportunity  
20 for us to break for the rest of the day.

21 Dr. Dudley, you are not allowed to discuss your  
22 testimony -- well, you're not under cross-examination yet, so  
23 you may discuss it to the extent that anybody needs to work  
24 with you for tomorrow's testimony.

25 So is there anything else we need to take care of

1 before then?

2 All right. We will -- the court is now adjourned.

3 Counsel, please be ready to start up at 9:00 a.m.

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**COURT REPORTER'S CERTIFICATE**

I, Candice S. Crane, Official Court Reporter for the United States District Court for the Southern District of Mississippi, do hereby certify that the above and foregoing pages contain a full, true, and correct transcript of the proceedings had in the forenamed case at the time and place indicated, which proceedings were stenographically recorded by me to the best of my skill and ability.

I further certify that the transcript fees and format comply with those prescribed by the Court and Judicial Conference of the United States.

THIS, the 16th day of February, 2022.

/s/ Candice S. Crane, RPR CCR

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